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City and County of San Francisco OFFICE OF THE CONTROLLER

Status of the Implementation of the Recommendations of the 1997-98 San Francisco Civil Grand Jury



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Edward Harrington Controller

August 24, 1999

Board of Supervisors City and County of San Francisco City Hall, Room 244 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102

President and Members:

As required by Section 2.10 of the City's Administrative Code, the Controller's Audits Division presents its report on the status of the implementation of the recommendations of the 1997-98 San Francisco Civil Grand Jury (Civil Grand Jury).

This report summarizes the findings and recommendations of the reports issued by the Civil Grand Jury, the responses to those recommendations by the various city departments when the reports were initially issued, and the current status of the implementation of those recommendations.

Respectfully submitted,

EDWARD M. HARRINGTON

Controller

Status of the Implementation of the Recommendations of the 1997-98 San Francisco Civil Grand Jury

August 24, 1999

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CHAPTER 1 CASH HANDLING

BACKGROUND

The 1997-1998 Civil Grand Jury investigated cash handling procedures in several City departments.

RESULTS

The Civil Grand Jury made four recommendations and required responses from the following:

Mayor Board of Supervisors Treasurer City Attorney Controller

Finding: The City Controller and Many Departments Monitor Cash Receipts

The City Controller and many departments monitor cash receipts by comparing current receipts with prior period. If there is a discrepancy, then action is to occur.

Response to Finding

City Attorney October 23, 1998

The City Attorney agrees with the Grand Jury's findings with respect to the City's cash handling procedures.

Recommendation 1: Retain An Outside Consultant to Review Procedures

The Treasurer and the Controller should retain an outside consultant to review cash handling procedures and reporting of collection trends and reaction of management to changes in collection trends.

Responses to Recommendation

Mayor's Office October 27, 1998

The Mayor's office agrees that we should take appropriate corrective action regarding cash handling or collection trends spelled out in a review of procedures.

Treasurer September 14, 1998

I agree, in part, with Recommendation 1 of the Grand Jury's report on cash handling; I disagree at this time with the portion of Recommendation 1 which includes retention of an "outside consultant" to review the City's cash handling procedures and reporting of collection trends and reaction of management to changes in collection trends. I will direct my staff to review with the Controller's Office the City's cash handling procedures and reporting of collection trends and reaction of management to changes in collection trends, and report to me their findings within ninety (90) days from the date of this letter.

City Attorney October 23, 1998

The City Attorney's Office is working with the City's Risk Manager to review cash handling procedures and bonding requirements for all City officers and employees.

Controller's Office August 20, 1999

The City is quite aware of proper cash handling procedures. We also consult with our outside auditors on these issues. Out of 27,000 employees where thousands have access to cash or cash equivalents, the fact that so few problems have occurred is testament to our ability to manage cash. We will continue our work in this area; we will continue to make improvements in this area; we will do whatever it takes to minimize the risk of loss of cash. But we will also continue to suffer some degree of loss in this area just like any bank or other major organization. There are no fail proof systems in existence other than to refuse to deal with cash.

Finding: The City Does Not Require Cash Handling Fidelity Bonds

In July 1997, the Senior Management Assistant at the Port had access to cash collected from some parking lots operated by the Port of San Francisco. The management of the Port of San Francisco discerned a reduction in income, which suggested the possibility of

misuse of parking funds, and took action to control the problem. The Senior Management Assistant was arrested for taking the key to the collection box and removing the funds from the collection container. Subsequently, the Port instituted what appears to be acceptable cash receipt handling procedures.

The City of San Francisco does not require Surety Bonds (fidelity bonds) on its employees who handle cash. Typically, an insurer does a detailed background investigation of those who are to be bonded. If there is a theft, the insurer indemnifies the insured pursuant to the terms of the fidelity (surety) bond.

Response to Finding

City Attorney October 23, 1998

The City Attorney's Office agrees with this finding, which states that fidelity bonds are not required for employees who handle cash. There is currently no uniform policy to require fidelity bonds for all City employees who handle cash. Nevertheless, some departments do have "blanket bonds" covering dishonest actions by department employees.

Recommendation 2: Evaluate the Policy of Not Requiring Fidelity Bonding

The Treasurer and the Controller should carefully evaluate the City's policy of not requiring fidelity bonding of employees who handle cash and should then make an appropriate report.

Responses to Recommendation

Treasurer September 14, 1998

I will direct my staff to review with the Controller's Office the City's policy of not requiring fidelity bonding of employees who handle cash and report to me their findings within ninety (90) days from the date of this letter. Based on our review, we may recommend that the City change its policy of allowing cash handling of City monies by other than fidelity-bonded employees.

City Attorney October 23, 1998

The City Attorney's Office is working with the City's Risk Manager to review the bonding requirements for all City officers and employees.

Controller's Office August 20, 1999

In the past when we have investigated bonding employees who handle cash or cash equivalents, the annual cost of the bond was significantly higher than any loss ever incurred by the City. We will again investigate the possibility of bonding the thousands of City employees who deal with cash and take a particular look at high risk areas. If it is cost-beneficial, we will bond them.

Finding: Unauthorized Bank Account at the Fire Department Credit Union

An unauthorized bank account was opened at the Fire Department credit union.

Response to Finding

City Attorney October 23, 1998

Based on the information available to the City Attorney's Office, we agree that an individual opened an account at the credit union that was not authorized to receive funds payable to the City and County of San Francisco.

Recommendation 3: Corrective Action Should Be Taken¹

As a result of the investigation recommended above, the Mayor and Board of Supervisors should take any necessary corrective action.

Recommendation 4: The City Attorney Should Investigate Unauthorized Accounts

The City Attorney should investigate liability of the Fire Department credit union for opening a bank account for the city without obtaining proper authorizing resolutions and related paper work.

Responses to Recommendations

Treasurer September 14, 1998

Shortly after I took office, I initiated a comprehensive review of the City's bank accounts and announced earlier this year an array of reforms designed to monitor more closely the City's monies.

¹ We believe the Civil Grand Jury's report was referring to the investigation in Recommendation 4.

City Attorney October 23, 1998

The City Attorney' Office has already investigated the allegations of misconduct by the Fire Department employee concerning placement of City funds in a Fire Department Credit Union account. We have concluded that no action is warranted against the Credit Union. First, this recommendation incorrectly states that the account in question was "for the City." The account was opened by a Fire Department employee who, as a Fire Department employee, was entitled to open personal accounts at the Fire Department Credit Union. The account was not opened in the name of the City. Since the account was not a City account, there were no official resolutions or other City documentation required to open the account. The employee's use of the account to deposit City funds is a separate issue. Charges have been brought against the employee by the District Attorney. Because the employee was entitled to open personal accounts at the Credit Union, and because we have no reason to believe that the Credit Union knew of the potentially unlawful source of the funds deposited in the account, there does not appear to be any basis for imposing liability on the Credit Union for allowing the employee to open the account.

City Attorney June 2, 1999

As we explained in our October 23, 1998 response to the Grand Jury's report, the City Attorney's Office did conduct a thorough investigation, concluding that the account at issue was not opened in the City's name, and there is no basis for imposing liability on the Fire Department Credit Union. Accordingly, the City Attorney's Office has taken no further action on this recommendation. However, the District Attorney is prosecuting the individual allegedly responsible for opening the account in question, and the District Attorney's Office informs us that they intend to seek restitution of the City funds deposited into that account.

Finding: Other City Departments May Not Be Handling Cash Properly

The above illustrations of improper cash handling might well be indicative of how other departments in the city handle cash.

Responses to Finding

City Attorney October 23, 1998

The fifth finding states that the illustrations of improper cash handling cited in the report "might well be indicative of how other departments in the city handle cash." The

City Attorney's Office lacks adequate information concerning how other departments handle cash to respond to this finding. Accordingly, we defer to the responses to this finding by the Treasurer and the Controller.

Controller's Office August 20, 1999

See response to recommendation 1.

CHAPTER 2 MANAGEMENT OF CITY CLAIMS

BACKGROUND

The 1997-1998 Civil Grand Jury investigated the City's process giving notice when the City might have a potential claim against a contractor or insurer of the contractor or a surety bonding company that insures the City for loss from theft. The City Attorney's Office has the responsibility for giving notice of a potential claim and then taking appropriate action to make the claim.

The Civil Grand Jury finds that notices of claims are not always presented in a timely manner and that the client department often does not follow up to insure that the City Attorney is taking appropriate and timely action.

RESULTS

The Civil Grand Jury made six recommendations and required responses from the following:

Mayor
Board of Supervisors
City Attorney
Sheriff
Public Utility Commission
Department of Parking and Traffic
Controller
Department of Real Estate

Finding: The City Attorney Presents Claim Notices

Notices of claims are to be presented by the City Attorney.

Response to Finding

City Attorney October 23, 1998

The City Attorney's Office agrees with this finding.

Recommendation 1: City Departments Should Establish Procedures for Filing Claims

Each department of the City should establish a procedure for presenting claims to the City Attorney. That procedure should designate a position with responsibility for notifying the City Attorney of any possible claims and then monitoring the action of the office of the City Attorney.

Responses to Recommendation

City Attorney October 23, 1998

This recommendation raises a matter of policy for individual departments. We welcome follow-up from City departments. It is equally important that departments make someone responsible for providing this office with the factual materials necessary to make a claim.

The City Attorney's Office aggressively pursues claims against third parties when City departments make referrals. For example, during the past fiscal year, this office has collected over \$750,000 in subrogation claims and over \$818,000 in welfare fraud judgments. The City Attorney's Office is continually seeking to enable and encourage departments to refer any and all potential claims to this office.

Moreover, to further assist and provide even greater support to City departments, the City Attorney and the Treasurer are exploring ways to inform departments about available services in the areas of claims recovery and collection of monies owed to the City. In this way, the City Attorney and the Treasurer hope to encourage departments to make more referrals and generate more revenue for the City.

In addition, the City Attorney's Office already has communicated with several City Departments to facilitate the referral of more affirmative claims under both state and local law. These include claims for both injunctive relief and penalties in the areas of health, safety, drug and alcohol abatement, planning, housing and building code compliance, as well as for other code violations and violations of state law.

Sheriff's Office May 28, 1999

The Sheriff's Department refers claims to the City Attorney's Office for appropriate disposition and has a staff person who monitors the progress of these claims.

Public Utilities Commission June 1, 1999

The PUC has an assigned staff of City Attorney claims investigators. These staff members receive claims directly from the claimants.

Finding: The City Did Not Notify the Sea Cliff Contractors of Disaster Claims

The contractors who constructed the sewers at Sea Cliff were not formally notified of claims by the City until a cross complaint to pending litigation was filed by the City Attorney in December 1996.

Response to Finding

City Attorney October 23, 1998

The City Attorney disagrees with this finding. The Grand Jury report is inaccurate in its conclusion that the City Attorney's Office delayed notifying the Sea Cliff contractors of the City's potential claims against them. The City Attorney's Office has been extremely vigilant in pursuing the claims arising from the Sea Cliff incident. This incident occurred on December 11, 1995. Immediately following the incident, the City and the Department of Public Works (DPW) began investigating the causes of the incident. DPW retained Failure Analysis Associates to conduct an in-depth investigation and prepare a report regarding the causes. Failure Analysis Associates presented DPW with its first report on April 4, 1996. That report, for the first time, identified the primary causes of the incident as the following: (1) A sinkhole created by Shank Balfour/Beatty above the end of the 24th Avenue Connector during the Richmond Transport Project, and (2) a contractor's gate constructed and operated by A. Ruiz Construction Company in the Overflow Structure during the Sea Cliff Pump Station No. 2 renovation project. At that time, the contractors were invited to a presentation by Failure Analysis to hear the findings and were given the opportunity to ask questions about the Failure Analysis conclusions.

On May 6, 1996, one month after the publication of the April 4, 1996 Failure Analysis report, the City Attorney's Office tendered its defense of third-party claims, in writing, to each of the Sea Cliff prime contractors (Haley & Aldrich, Inc., Shank Balfour/Beatty, and A. Ruiz Construction Company) and to their insurance carriers. At the same time, the City Attorney's Office demanded that the prime contractors and their carriers indemnify the City for all of its first-party damages, including but not limited to its Sea Cliff incident repair costs. Each of the prime contractors declined the City's tender of defense. On July 31, 1996, the City Attorney's Office also tendered its defense to the subcontractors of construction manager Haley & Aldrich (EPC

Consultants Inc. and Underground Construction Managers). EPC and Underground also denied the tender. On September 18, 1996, the initial third-party action was filed by Walter and Ramona Yee, naming the City and each of the Sea Cliff contractors as defendants. On December 10, 1996, the City Attorney's Office filed cross-complaints against each of the prime contractors and the Haley subcontractors and vigorously pursued the litigation against them.

The primary general liability carriers for Haley, EPC, and Ruiz subsequently accepted the City's defense. The City Attorney's Office has since settled with Haley, Underground, EPC and Ruiz for a total settlement payment to the City of \$7,816,666, subject to the final approval of the Board of Supervisors and good faith determinations by the Court. In addition, the City Attorney's Office has collected \$1,250,974 from Shank's Builder's Risk carrier, for a total preliminary settlement amount from the contractors of \$9,016,459. The City Attorney's Office is continuing to pursue the City's cross-complaint against Shank and is continuing to seek additional contribution from Shank's Builder's Risk and All Risk carriers. The City carefully identified and timely filed all claims that arose out of the Sea Cliff incident.

Recommendation 2: The City Attorney Should Advise Departments on Claims Actions

The City Attorney should establish procedures for advising client departments of actions taken or not taken as to claims.

Responses to Recommendation

City Attorney
October 23, 1998

The City Attorney's Office already has procedures in place for handling and tracking claims. Deputy City Attorneys to which claims are assigned are in regular contact with the department submitting the claim, and consult with department staff concerning the status of the case. That contact includes soliciting input regarding whether claims should be settled. In addition, the City Attorney's Office already does periodic reports to departments, including the Police Department, the Department of Building Inspection, and the Planning Department, in cases in which injunctive relief or penalties are sought. The City Attorney does not believe that additional procedures are necessary with respect to advising departments on the status of claims.

City Attorney June 2, 1999

As explained in our response to the Grand Jury's report, the City Attorney does not believe that any additional procedures for handling such claim are necessary. However, we continue to work with various City departments to increase the referral of affirmative claims to this office.

Referrals have increased from many City departments, including the Police Department and the Department of Public Health. During FY 1998-1999, the City Attorney's code enforcement team, which handles affirmative claims and referrals from other departments, has collected approximately four times the total amounts collected in each of the preceding two fiscal years.

Sheriff's Office May 28, 1999

This is more appropriately addressed by the City Attorney's Office.

Finding: The City Did Not Give Notice to the Insurance Company

As to claims against the insurance company that bonded the employees of the parking meter collection contractor, no notice has been given by the City of a possible claim as a result of the alleged theft.

Response to Finding

City Attorney October 23, 1998

The City Attorney's Office agrees with this finding.

Recommendation 3: The City Attorney Needs Procedures for Giving Notice of Possible Claims

If there is a possible claim from alleged theft or damage, the City Attorney should have a procedure for giving notice in a timely manner to the appropriate fidelity bonding companies and/or insurance companies and/or contractors of a possible claim by the City.

Responses to Recommendation

City Attorney October 23, 1998

The City Attorney already has procedures for tracking incoming cases, including claims forwarded by departments for litigation. Cases are logged in and assigned to a Deputy, who is then responsible for managing the case and tracking its progress. Case inventories are reviewed quarterly. As discussed above, the City Attorney believes that the claims matters raised in the Grand Jury's report were handled properly and in a timely manner by her staff. Accordingly, the City Attorney believes that the existing procedures effectively track incoming cases, including those that raise potential claims on behalf of the City and County.

Sheriff's Office May 28, 1999

This is more appropriately addressed by the City Attorney's Office.

Finding: The City Attorney Did Not Give Claim Notices to Contractors Timely

Notice of claims as a result of the Sea Cliff disaster was not given earlier (to either the contractor or to the performance bonding company) because the responsible attorney was on leave of absence from the Office of the City Attorney.

Response to Finding

City Attorney October 23, 1998

The City Attorney's Office disagrees with this finding. First, as noted above, the City Attorney's Office has vigilantly pursued the claims arising out of the Sea Cliff incident, including giving notice in timely fashion. Second, the fact that the deputy city attorney subsequently assigned to the case was on leave at the time the Sea Cliff incident occurred had no bearing on the timing of notice of the claim. The Sea Cliff incident was a very significant matter, and was accordingly handled and closely monitored from the outset by experienced senior attorneys, including the Chief Trial Deputy, who apprised the contractors of the Failure Analysis findings long before the filing of the cross-complaint. The deputy on leave had no involvement in the case until she returned from her leave, at which time she joined the ongoing effort by this office that was already in progress to handle the Sea Cliff incident.

Recommendation 4: The City Attorney Should Provide Backup Staff Members

When an employee of the City Attorney's office is on extended leave or vacation, procedures should provide for a backup staff member to take action in a timely manner.

Responses to Recommendation

City Attorney October 23, 1998

The City Attorney's Office already has procedures for providing coverage where a deputy is out of the office for an extended period of time. Other deputies are assigned to cover the absent deputy's cases, and office staff monitor all the deputy's incoming mail. The City Attorney does not believe that any additional procedures or practices are necessary at this time.

Sheriff's Office May 28, 1999

This is more appropriately addressed by the City Attorney's Office.

Finding: The Public Utility Commission Did Not Follow Up to Ensure that the City Attorney Gave Notice to Sea Cliff Contractors

The Public Utility Commission did not follow up with the City Attorney to insure that notice was given to those potentially liable to the Public Utilities Commission as a result of the Sea Cliff disaster.

Response to Finding

City Attorney October 23, 1998

We disagree with this finding. At the time of the Sea Cliff incident, the Department of Public Works (DPW) had responsibility for this matter. Due to a departmental reorganization, responsibility was subsequently transferred to the PUC. However, both DPW and the PUC were in regular contact with the City Attorney's Office, including nearly daily contact between December and May. As discussed above, notice was given in a timely fashion.

Recommendation 5: Departments Should Insure Notice Is Given Promptly

Each client department (e.g. Public Utility Commission, Parking and Traffic, or Department of Real Estate) should follow up with the Office of the City Attorney to insure that prompt notice is given as to potential claims of the respective departments.

Responses to Recommendation

City Attorney October 23, 1998

This recommendation addresses a matter of policy for City departments. The City Attorney's Office promptly responds to requests from clients concerning the status of potential claims.

Sheriff's Office May 28, 1999

This is more appropriately addressed by the City Attorney's Office.

Public Utilities Commission June 1, 1999

The City Attorney provides the PUC with a monthly report on the status of all claims affecting the PUC. This report is reviewed by PUC staff and discussed with the City Attorney's staff as needed.

Finding: Thefts from Parking Meters

In October 1997, thefts from parking meters were discovered by the Department of Parking and Traffic.

Responses to Finding

City Attorney October 23, 1998

Based on the information provided to the City Attorney's Office by DPT, we agree with this finding.

Department of Parking and Traffic June 1, 1999

Ms. Adrienne Frazier, Parking Collection Manager, reports that our Department and the City Attorney's Office did pursue claims against the insurance company that bonded employees of the parking meter collection contractor in court. Moreover, our Parking Collection Manager and the District Attorney's Office filed charges against the alleged thieves and convicted these criminals in a court of law. We also were able to recover over \$35,000 in cash, coins and bank seizures.

Department of Real Estate September 18, 1999

This contract and the collection of parking meter revenues are handled directly by the Department of Parking and Traffic, and the Real Estate Department has no involvement in this program.

Department of Real Estate May 25, 1999

As indicated in our September 18, 1998 letter, the Real Estate Department is not involved in the administration of the parking meter collection contract.

Finding: The City Attorney Filed Claims for the Theft

As to claims for the theft of collections under the Parking Meter collection contract, a letter confirming earlier verbal notice was submitted by the City Attorney on November 4, 1997, which letter was addressed to the contractor.

Response to Finding

City Attorney October 23, 1998

The City Attorney's Office agrees with this finding, but notes in addition that the formal notice of default dated November 4, 1997 concerned not only the thefts, but also numerous other defaults under the Contract.

Finding: Parking and Traffic and Real Estate Departments Did Not Follow Up with the City Attorney to Request a Claim Against the Fidelity Bonding Company

Neither the Department of Parking and Traffic nor the Department of Real Estate followed up with the Office of the City Attorney to request timely presentation of a claim against the fidelity bonding company as a result of the alleged theft.

Response to Finding

City Attorney October 23, 1998

We are not aware that the Department of Real Estate was involved with this contract. The report may intend to refer to the Purchasing Department. Purchasing did follow up with the City Attorney's Office regarding a claim. However, like the City Attorney's Office, Purchasing was relying on DPT to move forward. As the Grand Jury has found, DPT did not follow up with the City Attorney's Office.

Finding: Notice of Potential Claims Was Not Given to Contractor of Jail #7

As reported by the 1996-1997 Civil Grand Jury, the Sheriff's Department and the City Attorney did not give timely notice of potential claims to the construction contractor of Jail #7.

Response to Finding

City Attorney October 23, 1998

The City Attorney agrees that there was not timely notice given of potential claims with respect to potential construction defects. However, the facts regarding the defects were not reported to the City Attorney's Office within the time during which the City could have initiated a lawsuit against the general contractor and its performance bond surety.

Finding: City Departments Do Not Have One Position Assigned to Submit Claims

City departments investigated by the Civil Grand Jury are not structured so that one position is assigned responsibility for submitting claims to the City Attorney and then monitoring the actions of the City Attorney.

Response to Finding

City Attorney October 23, 1998

The City Attorney's Office disagrees in part with this finding. While there is no City-wide policy requiring departments to route such claims through one position, and some departments do not do so, both DPW and the Sheriff's Department route all construction claims through one individual.

Recommendation 6: The Controller Should Establish New Monitoring Procedures

The Controller should be assigned responsibility to advise on procedures and to monitor payments or losses of the City Attorney and City departments under these new procedures.

Responses to Recommendation

City Attorney October 23, 1998

This recommendation concerns a matter of policy for the Controller Office. Accordingly, the City Attorney does not comment.

Sheriff's Office May 28, 1999

This is more appropriately addressed by the Office of the Controller and the City Attorney's Office.

Controller's Office July 19, 1999

The Controller would be happy to assist both the City Attorney and other departments on these procedures. We will review how we can set up a monitoring system for these types of claims.

General Responses

Mayor's Office October 27, 1998

The Mayor's office agrees that city claims should be dealt with in a prompt manner.



CHAPTER 3 DEPARTMENT OF ELECTIONS

BACKGROUND

The 1997-98 Civil Grand Jury investigated the operations of the Department of Elections. The investigation was begun, in part, due to publicity regarding alleged voting irregularities. The investigation showed areas that, with improvement, would make the department and the voting process more efficient, including the collaborative work needed between the Department of Public Health and the Department of Elections, the training of precinct workers, the need for voter identification and the modernization of voting equipment.

RESULTS

The Civil Grand Jury made twelve recommendations and required responses from the following:

Mayor Board of Supervisors Department of Elections

Finding: Training for Inspectors Is Well Presented

The training for inspectors is well presented.

Response to Finding

Department of Elections October 24, 1998

The Department agrees.

Recommendation 1: Require Precinct Workers to Attend Training Seminars

All precinct workers should be required to attend a training seminar.

Response to Recommendation

Department of Elections October 24, 1998

This recommendation will not be implemented. California Election Code Section 12309 requires that all inspectors (lead poll workers) receive instruction. We schedule approximately 22 classes for inspectors and an additional 5 to 7 classes for inspectors who either do not attend any of the 22 classes or who are appointed after classes are completed. We also schedule classes for clerks (other poll workers) to attend if they so choose. We schedule approximately 11 clerk classes, which can accommodate approximately 1,100 poll workers. The Department has a very difficult time recruiting poll workers. If we require all clerks to attend class, recruitment would be even more difficult.

Finding: The Poll Worker Manual Is Well Organized

The poll worker manual is well organized and can easily be referenced.

Response to Finding

Department of Elections October 24, 1998

The Department agrees.

Finding: Training is Available for Clerks

Training is available but not mandatory for clerks.

Response to Finding

Department of Elections October 24, 1998

The Department agrees.

Recommendation 2: Training Time Should Be Reimbursed

All prospective clerks and inspectors should be reimbursed for their training time.

Response to Recommendation

Department of Elections October 24, 1998

This recommendation is already being implemented. Clerks and inspectors are reimbursed for meals, travel and training/preparation time.

Finding: Clerks Paid Less Than the Minimum Wage

Clerks are paid less than the minimum wage.

Responses to Finding

Department of Elections October 24, 1998

The Department does not agree. Poll workers are not employees and are therefore not paid a wage. Please see the response to Recommendation 3.

Department of Human Resources October 20, 1998

DHR defers to the Department of Elections.

Recommendation 3: Clerks Should Be Paid at Least the Minimum Wage

The pay rate for clerks should be increased to at least the minimum wage, and the pay rate for inspectors should be raised in a commensurate manner.

Responses to Recommendation

Department of Elections October 24, 1998

This recommendation will not be implemented. Poll workers are not employees of the City and County of San Francisco. As far as we are aware, poll workers are not considered to be employees anywhere in the United States. The stipends they receive are reimbursement for time and expenses. The task of processing civil service hiring papers for approximately 2,000 to 2,500 poll workers for one day, and then laying off these workers after the election, would be prohibitive. When poll workers do not show up on election day, we send replacements to the polling place as quickly as possible. We could not do this if we had to have them fill out forms and show proof of their right

to work (passport, social security card, driver's license, etc.) before sending them to a polling place.

Department of Human Resources October 20, 1998

DHR has no involvement in setting pay rates for poll workers. Poll workers and inspectors are volunteers, not employees. They are paid a stipend, not a salary. The Department of Elections recommends and the Board of Supervisors sets the stipend for election workers pursuant to California Elections Code Section 12310, Compensation of Precinct Board Members. The Department of Elections surveys other counties to determine what they pay their elections workers, and recommends rates accordingly. The stipend includes transportation, meals, training and preparation, and an additional bonus for completeness. Effective August 7, the new rates are Inspector, \$93 per day and Worker, \$72 and \$16 for completeness.

CONDUCT OF THE VOTE

San Franciscans vote at numerous regular polling places throughout the City. Each polling place is supposed to be staffed by an inspector and two clerks. During the last two elections (November 4, 1997, and June 2, 1998) Jurors observed numerous problems, including the following:

- an inadequate number of precinct workers to open polling places (only one present);
- precinct workers unable to explain the open primary ballot;
- · precinct workers giving voters whatever ballot they requested;
- a precinct worker unable to find voters' names on an alphabetized list;
- precinct workers discussing a voting couple's different party affiliations;
- excessive and disruptive chat among precinct workers;
- location of polling place inaccurately described in the voting pamphlet;
- inadequate supplies of particular ballots;
- a precinct worker asking a voter if he was planning to vote for a party's central committee candidates, and offering him another party's ballot.

During the vote counting, the Department has a staff person manually removes stray "punch outs" from the paper ballots. This adds time to the process of counting the vote.

Finding: Disarray and Confusion Exist at Polling Places

There is disarray and confusion at some polling places.

Response to Finding

Department of Elections October 24, 1998

The Department agrees.

Recommendation 1: Polling Places Should Be Scrutinized Prior to Election Day²

All polling places should be scrutinized prior to Election Day to ensure that the location is accurately described in the election material.

Response to Recommendation

Department of Elections October 24, 1998

Since the specific polling place and the problem with the description of the location are not identified, it is difficult to respond to this recommendation. However, the Department believes it is already implementing this recommendation. We have hundreds of polling places every election and rarely receive complaints that the polling place location is inaccurately described on the Voter Information Pamphlet. We do receive complaints that a polling place is "not there," but after talking with the voter, find that s/he went to the wrong entrance, for example, at a school. Or, the flag which identifies the location of the polling place was stolen and a voter had difficulty finding the entrance to the polling place entrance. Or, a voter went to the polling place "s/he always goes to" without checking the Voter Information Pamphlet for the location of the polling place for that particular election.

Every election, after the Voter Information Pamphlets have been mailed, we have polling place owners who revoke permission to use their site as a polling place. We then send "change cards" to voters in these precincts, giving them the location of their new polling place. We also place signs at the old polling place, with the address of the new location. Unfortunately, signs are often removed and the cards are often discarded or go unnoticed. We are now making these "change cards" a neon green, hoping they will stand out.

Finding: Irregularities in Conduct of Voting

There are irregularities in the conduct of the vote.

² The Civil Grand Jury did not continue using sequential numbers for its recommendations but re-started the sequential numbering for the recommendations in this section.

Response to Finding

Department of Elections October 24, 1998

If, by "irregularities" the report refers to problems listed in the report, such as precinct workers unable to explain the open primary ballot, precinct workers unable to find voters' names on an alphabetized list, etc., the Department agrees that some poll workers may not be following procedures as they are trained to do. Because their duties are numerous and complex, poll workers sometimes do not understand or remember the correct procedures. If this is brought to the Department's attention, we send Field Election Deputies to the polling place to correct the problem.

Recommendation 2: Provide Frequent Training

The Department should emphasize in its training and oversight the importance of being knowledgeable on both polling place procedures and appropriate professionalism and decorum.

Response to Recommendation

Department of Elections October 24, 1998

This recommendation is already being implemented. Members of the Civil Grand Jury attended a poll worker class and found it to be "...well presented and the information was clear and succinct. The Poll Worker manual was circulated to the inspectors and each section was thoroughly explained. Questions were solicited and well answered. Each step of the voting day was well covered." In addition to the training, each polling place is assigned a Field Election Deputy (who also receives training) who is available to answer questions, correct procedures, resolve problems. In spite of the training and support resources available, with 2,000 to 2,500 poll workers who are required to remember dozens of details and procedures over a 14 to 15 hour period, there will always be errors and/or problems.

Finding: The Department Does Not Always Have Proper Decorum for Voting

Proper decorum for voting is not always present.

Response to Finding

Department of Elections October 24, 1998

If, by "proper decorum" the report refers to problems listed in the report, such as excessive and disruptive chat among precinct workers, the Department agrees that this can occur at a polling place. If the Department receives complaints about poll workers on election day, the Field Election Deputy for that area is sent to the polling place to observe, and if necessary, to talk to the poll workers about their behavior. If a poll worker is especially rude or disruptive, we will replace her/him.

Recommendation 3: Comments and Complaints Should Be Processed Timely

The Department of Elections should institute a process as soon as possible to solicit comments and complaints from the voters. The process should include the timely review of, and response to, all complaints, and should incorporate necessary changes into its training and oversight.

Response to Recommendation

Department of Elections October 24, 1998

This recommendation is already being implemented. On election day and the month prior to election day, the Department has a phone bank of up to 12 members who take calls from the public. Most of the thousands of calls we receive are questions about whether or not someone is registered, how to request an absentee ballot, and on election day, the location of a voter's polling place. However, the phone bank staff does forward problems and/or complaints to the appropriate manager for response. On election day, all Department staff have "problem sheets" which are completed for every problem and/or complaint called in not only from voters, but also from campaigns, other city departments, and other sources. These are responded to in order of priority, e.g. no or only one poll worker is a priority. The Department receives letters of complaints after an election and responds to these letters as quickly as possible. When appropriate, changes are incorporated into the training and oversight procedures.

Finding: Paper Ballots Are Inefficient

The paper ballots are inefficient, time consuming, and outmoded.

Response to Finding

Department of Elections October 24, 1998

The Department agrees. In February 1998, the Department issued a Request for Proposals for a new voting system because the current "votomatic" system is old and ballot counting is slow. Two vendors were selected to participate in a pilot program. Both vendors provide "optical scan" paper ballots which are fed into a vote count machine at the polling place. After the polls close, the cartridge containing the vote count is brought to the Department of Elections and uploaded onto a computer. Precinct vote count results will be available much more quickly than with the "votomatic" system.

Recommendation 4: Consider Conversion to Electronic Voting

The Department should explore conversion to an electronic voting system as soon as possible.

Response to Recommendation

Department of Elections October 24, 1998

This recommendation is already being implemented. As mentioned previously, the Department issued a Request for Proposals for a new voting system and selected two vendors to participate in a pilot program. Fifty polling places throughout the city will use the "optical scan" ballots in the November 1998 election. The Department plans to select a vendor after the November 1998 election.

RECORD KEEPING - DEATHS

It is the duty of the Department of Public Health to keep the Department of Elections currently advised of deaths within the City and County of San Francisco. This is one way in which the Department of Elections keeps the voter rolls accurate. The Department of Public Health has failed to file reports of deaths with the Department of Elections for the past year.

Finding: The Department of Public Health Has Not Properly Reported Deaths

The Department of Public Health has been delinquent in reporting deaths.

Response to Finding

Department of Elections October 24, 1998

The Department agrees.

Recommendation 1: Deaths Should be Reported Monthly³

The Department of Public Health should notify the Department of Elections of deaths within the City and County of San Francisco on a monthly basis.

Responses to Recommendation

Department of Elections October 24, 1998

This recommendation has already been implemented but still needs improvement. In November and December 1997, the Department received information for the period March through December 1997 from the Department of Public Health. In January 1998, the Acting Director of Elections called the then Acting Director of Public Health, who agreed that the Department of Public Health would provide death records on a monthly basis. The Department did receive records in March, April, May and June 1998. No records were received in July or August 1998. On September 30, 1998, the Department received death records for the period April through August 1998. On October 7, 1998, the Department received death records for September 1998.

Department of Elections May 26, 1999

The Department of Public Health (DPH) had begun to send death records to the Department of Elections (DOE) on a fairly regular basis in 1998 (see response to Recommendation 8.) In January 1999, we received death records for the month of December 1998. However, the DPH did not send us any records in February 1999 and

³ The Civil Grand Jury did not continue using sequential numbers for its recommendations but re-started the sequential numbering for the recommendations in this section.

DOE staff called on March 26, 1999, asking about the death records. We later received two diskettes which contained records of deaths which occurred in October, November and December 1998, and January, February and March 1999. We called the DPH at the end of May, asking for April death records. The DOE will attempt to establish a regular monthly date for receipt of the death records and will call the DPH if we do not receive the records by that date.

Department of Public Health June 28, 1999

The Department of Public Health has implemented this recommendation. DPH reports deaths to the Department of Elections on a monthly basis.

Finding: The Department of Elections Has Not Properly Pursued Obtaining Information on Reported Deaths

The Election Department has been delinquent in pursuing this information.

Response to Finding

Department of Elections October 24, 1998

The Department agrees.

Recommendation 2: The Department of Elections Should Ensure It Receives Monthly Death Reports

The Department of Elections should ensure that this monthly reporting is received and acted upon.

Response to Recommendation

Department of Elections October 24, 1998

This recommendation is already being implemented but still needs improvement. See response to Recommendation 8. Department staff is maintaining a log of when records are received from Public Health, the period covered, and the number of deaths on each tape. Staff will follow up if records are not received within the 45 day period we are told it takes to process the information. When the Department receives death records from the Department of Public Health, our staff matches names and birth dates to ensure we have the correct voter record. These voters are then canceled.

INACTIVE VOTERS

If a voter has not voted in four consecutive elections, the name of that person is placed in an inactive status. With proper proof that voter can be reinstated to the voting rolls. The Department of Election requests that voters notify them when moving to a new residence. If the voter neglects to do this, his/her voter information booklet will be mailed to the original address.

Finding: The Department of Elections Does Not Know How Many Voters Have Moved Without Changing Their Addresses

The Department of Elections has no way of knowing how many voters have moved without changing their addresses.

Response to Finding

Department of Elections October 24, 1998

The Department agrees.

Recommendation 1: Publicize the Need for Voters to Notify the Department of Elections of Change of Addresses⁴

The Department of Elections should better publicize the need for voters to change their addresses with the Registrar of Voters when moving.

Response to Recommendation

Department of Elections October 24, 1998

This recommendation will be implemented in two ways. One, the Department will issue a press release approximately two months before an election, reminding voters that they need to re-register if they have moved, and giving them the deadline for re-registering for that election. Two, the Department will add a question and response in the "Your Rights as a Voter" page of the Voter Information Pamphlet, again informing voters that they must re-register when they move. The "Your Rights as a Voter" page already informs voters what they must do if they have moved and have not re-registered. (If a voter has not re-registered, s/he can go to the new polling place with

⁴ The Civil Grand Jury did not continue using sequential numbers for its recommendations but re-started the sequential numbering for the recommendations in this section.

identification which contains the new address. The voter votes a provisional ballot, which is checked at the Department, and once it is verified that s/he is a registered voter, the law permits the Department to changes the registration to the new address.) Also, the "motor voter" law requires that voters, when applying for a renewal or change of address at the Department of Motor Vehicles, be asked whether or not s/he would like to register/re-register.

VOTER IDENTIFICATION

At the November 1997 election, voters were requested to show their California Drivers Licenses or other photo identifications on a voluntary basis. At present the law allows the Department of Elections to request this information but does not require it. There is legislation pending in the State Legislature to require voters to present photo identifications at the time of voting. (AB 2323)

Finding: Showing Photo Identifications Would Decrease Voter Fraud

The requirement to show photo identification at the time of voting would decrease the opportunity for voter fraud.

Response to Finding

Department of Elections October 24, 1998

The Department agrees.

Recommendation 1: Request Photo Identifications at the Time of Voting⁵

The Department of Elections should continue to request that photo identification be shown at the time of voting.

⁵ The Civil Grand Jury did not continue using sequential numbers for its recommendations but re-started the sequential numbering for the recommendations in this section.

Responses to Recommendation

Mayor's Office October 27, 1998

The Mayor's Office disagrees with some of the recommendations regarding elections since they are illegal or not required under the law. It is illegal under California law to require identification to be shown at the time of voting. If the Legislature changes the law, we will comply. California Election Code Section 12309 requires us to train inspectors, not precinct workers. As with all election law, we will comply with State law. Otherwise, we agree with the recommendations in the Grand Jury report or the policy is already being implemented.

Department of Elections October 24, 1998

This recommendation will not be implemented. It is against the law to require identification in order to vote. Our purpose in requesting identification is solely for the purpose of maintaining accurate voter files. This is what current law permits.

Voters in the November 1998 election will be asked if they would provide the Department with their driver's license numbers. The information will be used to verify that Department staff is accessing the correct voter file when making changes to a record. Many voters have the same or similar names, addresses, or other identifying information. Because a driver's license number is unique, it will ensure that we have the correct voter file.

Recommendation 2: The Department of Elections and the City Should Support a Requirement to Show Photo Identifications

The Department of Elections and representatives of the City and County of San Francisco should emphatically support a requirement to show photo identifications.

Response to Recommendation

Department of Elections October 24, 1998

This recommendation will not be implemented by the Department. We believe that whether or not identification must be presented in order to vote is an issue which has strong advocates on both sides. Assembly Bill 2323 did not pass out of the Appropriations Committee. If and when a law which requires identification to vote passes and becomes effective, the Department will comply with the law.



CHAPTER 4 FOSTER CARE IN SAN FRANCISCO

BACKGROUND

Previous Civil Grand Juries have reported on the failures of the Family and Children's Services unit of the Department of Human Services. The 1997-1998 Civil Grand Jury concludes that the Department of Human Services has made progress in correcting its problems of non-compliance with Division 31 regulations and has taken action to improve services to families, and thereby reduce the number of children placed in the foster care system (youth dependency) in our City.

RESULTS

The Civil Grand Jury made three recommendations and required responses from the following:

Mayor Board of Supervisors Department of Human Services

Finding: No Ombudsman Contract for at Least 6 Months in 1997

In 1997, there was at least a six-month period when no ombudsman contract was in place.

Recommendation 1: Monitor the Ombudsman Services

The Department of Human Services should monitor the performance of the contractor providing ombudsman services to avoid a gap in those services and to insure adequate performance.

Response to Recommendation

Department of Human Services May 1999

The Department of Human Services contracted with an individual, Joy Crumpton, for an eighteen-month period. The ombudsman contract has been very successful, and, as a result, DHS recently renewed the contract for another 18 months. There has been no gap in services.

Finding: The Department of Human Services Pursues Strategies to Reduce Dependency and Achieve Family Reunification

The Department of Human Services is pursuing innovative strategies to reduce the high incidence of youth dependency in San Francisco and to achieve family reunification.

Recommendation 2: Evaluate Programs for Reducing Youth Dependency

The Department of Human Services should evaluate the efficiency of its current prevention program and services to reduce the incidence of youth dependency.

Response to Recommendation

Department of Human Services May 1999

DHS' efforts at early intervention and prevention through the use of family resource centers, out stationing child welfare staff in high impact communities, and reducing caseloads to provide for intensive services have demonstrated positive results. The number of children and youth entering the foster care system has been reduced each year over the past three years, while the percentage of families reunifying has increased over the same period.

During the past year, DHS, the San Francisco Chapter of the California Youth Connection (CYC), and the San Francisco Unified Family Court hosted the City's first Foster Youth Conference, at which recommendations for systems improvement were presented by youth. As a result of this effort, DHS has added a Foster Youth Ombudsman, established a Foster Youth Task Force, and will be opening a Teen Center in August 1999, to serve current and former foster youth.

DHS received state approval for our IV-E Waiver Proposal to provide families in the city's southeast neighborhoods with flexible family preservation services, based on a peer counseling and family and youth mentor model. DHS opened a Southeast Office in support of the implementation of this five-year demonstration project, named in honor of Ruth E. Smith, in memory of a long-time advocate for children and families.

Recommendation 3: Report the Results of the Evaluation of the Youth Dependency Programs to the Mayor and the Board of Supervisors

The Department of Human Services should evaluate the youth dependency programs and should report to the Mayor and to the Board of Supervisors statistics showing changes in youth dependency.

Responses to Recommendation

Mayor's Office October 27, 1998

Our Department of Human Services is currently working on a performance measure budget process and they will report annually on the effectiveness of their programs. These reports will come directly to the Mayor's office and will include data specifically addressing youth dependency.

It should be noted that I have made youth services a top priority of my administration. I have appointed a child care coordinator and allocated \$28 million the current budget so that we can increase services for our youth.

Department of Human Services May 1999

First Time Entries into Foster Care:

	1996	1997	1998	1999 Goal
Total Placements	591	504	437	390

This data reflects a reduction in the number of children entering the foster care system. Source: Child Protection Center Statistics, calculated by calendar year

Reunification Rate: Children reunified during year as percent of case closures

Fiscal Year	1996-96	1996-97	1997-98	Goal
No. of Children	8	45	303	
Reunified				
Percent of Case	4.6%	15.7%	42.8% .	50%
Closure				



CHAPTER 5 GOLDEN GATE BRIDGE DISTRICT

BACKGROUND

The 1997-98 Civil Grand Jury reviewed the governance of the Golden Gate Bridge, Highway and Transportation District (District), particularly the compensation of District board members, the appointment process, and the overall composition of the board. The Civil Grand Jury recommends that the structure of the District be reexamined with a view to making it more suitable for present and future functions.

Governance and Representation

The District is governed by a board of 19 members, appointed annually, and consists of nine representatives from San Francisco, four from Marin, three from Sonoma, and one from each of Napa, Mendocino, and Del Norte counties. By state law governing the District, eight of San Francisco's nine representatives to the District are appointed by the Board of Supervisors. Four of the eight must be elected members of the Board of Supervisors. The ninth member is appointed by the Mayor. In the other counties, representatives to the District, some of whom are required to be elected city or county officials, are appointed by their county Boards of Supervisors. (Requirements vary by county).

There are three board officers: President, First Vice President, and Second Vice President. The District board holds regular meetings twice a month and has five standing committees which meet monthly: Building and Operating, Finance-Auditing, Governmental Affairs and Public Information, Transportation, and Rules, Policy and Industrial Relations. Each committee consists of eight members with the President of the Board acting as an *ex officio* ninth member. Most members serve on two or three committees, and San Francisco is represented on all five committees. Meetings are open to the public under the Brown Act.

Board Compensation

Board members receive \$50 per board or committee meeting, with a maximum of \$50 per day and a cap of \$5,000 per year (\$7,500 for the president). In addition they participate in the health insurance plan, receive \$100,000 of life insurance covering accidents while on district business, \$10,000 of general life insurance, and reimbursement of certain travel expenses. Auto travel to district meetings is reimbursed at the rate of 30.5¢ per mile. The District also reimburses overnight lodging expenses for members traveling to meetings from Del Norte and Mendocino Counties. The District participates in two or three transportation conferences per year, and typically sends two or three members to each at

the District's expense. However, the District does not reimburse international airfare, but pays the equivalent of airfare from San Francisco to New York. If members retire after more than five years on the Board, they may continue on the health plan at their own expense.

RESULTS

The Civil Grand Jury made three recommendations and required responses from the following:

Mayor Board of Supervisors Golden Gate Bridge, Highway and Transportation District

COMPENSATION

Finding: Compensation to District Members Is Comparable to Other Bay Area Transportation Districts

Compensation payable to District Board members is in line with compensation payable to directors of other Bay Area transportation districts.

Finding: The District's Direct Cost to Support the District Board Is Not Excessive

The direct cost to the District to support the board is not excessive. The Civil Grand Jury did not examine indirect costs, such as the cost of staff time, to support the board and its bimonthly meetings and five committees.

APPOINTMENT TO THE DISTRICT BOARD

San Francisco has nine representatives to the District board. Eight of San Francisco's representatives are appointed by the Board of Supervisors, and the ninth member is appointed by the Mayor.

Board of Supervisors' Appointees

Four of the eight appointees must be elected members of the Board of Supervisors. By tradition the supervisors with the most seniority have the first option to be appointed to the District and the four most senior supervisors usually take the appointments. Because of term limits on supervisor terms, it is unlikely that a supervisor will have a term on the

District board of more than six years. Of the current supervisor appointees to the District board, none has served longer than two years.

The Board of Supervisors also appoints four District Board members from the general public, using a process that is similar to the process for other appointments made by the Board of Supervisors. The Rules Committee nominates candidates from file of prospects for presentation to the whole Board of Supervisors. The nominated individual(s) may make a presentation to the Board and answer questions. After consideration, the Board of Supervisors votes on the appointment. If the incumbent on the District board desires to remain in office, the incumbent usually is re-appointed. The same individuals have been reappointed year after year. One appointee has served on the Board for 36 years, two others for 15 or more years, and the fourth for six years.

The Mayor's Appointee

The Mayor's Office uses a similar process to fill positions. When a position becomes available, names on file are reviewed to select a candidate. With respect to the District board, the incumbent typically is re-appointed. The Mayor's current appointee has served on the District board for two years, appointed after the death of his predecessor. Appointments by the Board of Supervisors and the Mayor are part of the political process. Individuals and interest groups lobby for appointment, and appointments are made to forge or reward political relationships. Many appointees to the District Board have labor union affiliations and generally do not come to the Board with experience in transportation issues.

The Civil Grand Jury looked at attendance records, committee participation and years on the District board. Members who have the most longevity on the District board and who were appointed from the general public have been among the most committed, assuming officer or committee chair positions, and attending as many as 80 meetings a year in addition to two or three transportation conferences. This compares to typically fewer than 35 meetings and no conferences by the Board of Supervisors' appointed District board members. The Civil Grand Jury, however, did not study member voting records, and no attempt was made to evaluate the influence or effectiveness of the San Francisco delegation.

Finding: Re-appointing Incumbents Perpetuates Political Anachronisms

Although there may be benefits to San Francisco in being represented by individuals with a long history on the District board, continual re-appointment of incumbents who have served fifteen or more years perpetuates political anachronisms. Indeed, all five current District board members appointed from the general public are white males, as all San Francisco appointees from the general public have been since the inception of the District.

Recommendation 1: Limit Tenure of Appointees to Eight Years

The Mayor and Board of Supervisors should informally limit the tenure of their appointees from the general public to eight years.

Responses to Recommendation

Golden Gate Bridge, Highway and Transportation District September 17, 1998

The District recognizes that the Mayor and Board of Supervisors have the power to limit the tenure of their public appointees and, of course, District management and staff will be pleased to orient new Board members (as has been our longstanding consistent practice) and work with them to make their term of service, no matter how long, a productive and positive experience. The District wishes to note, however, that it is unaware of any such restrictions on tenure for other similar boards. The District further wishes to underscore the Grand Jury's recognition that Board members with the greatest length of tenure are often among the most dedicated and hard-working Directors. The experience and institutional knowledge gained by Directors who serve several consecutive terms is ideal preparation for assumption of leadership positions within Board governance and often proves invaluable in the management of the District. As set forth below, the District has achieved notable accomplishments in recent years, including a multi-year program of advocacy at the federal and state levels to obtain legislation and administrative agency approval of funding for the already-initiated Golden Gate Bridge seismic retrofit project and implementation of a wide range of safety enhancement programs involving Golden Gate Bridge operations. Many of the District's successes are directly attributable to special efforts by, and the institutional and practical wisdom of, several City and County of San Francisco-appointed public members, who have served so capably on the Board of Directors for many years.

Golden Gate Bridge, Highway and Transportation District June 1, 1999

As you know, the Mayor and the Board of Supervisors, and not the District, possess the power of appointment of members to our Board of Directors. At the same time, as we noted last year, we are unaware of term limit restrictions applicable to other appointed (as distinguished from elected) boards in this region. The District stands by the response it provided to you last year as no action was called or on the part of the District

Finding: Short Tenure of Board Members Limits Their Influence on the Board

Short tenure and frequent turnover among the Supervisor District board members limit their influence on the board. For example, it is difficult for Supervisor District Board members to become president of the District Board because assumption of that office requires a two-year commitment after progressing through the officer ranks.

Finding: Board Members are from a Diverse Range of the Population

The Supervisor District Board members are representative of a diverse range of the City's population groups.

Recommendation 2: Appoint Individuals with Transit Experience

The Mayor and Board of Supervisors should make an effort to appoint individuals with background and experience in public transit and transportation issues who represent San Francisco's diverse population.

Responses to Recommendation

Mayor's Office October 27, 1998

The Mayor's office supports the appointment of well-qualified Bridge Board members who represent the diversity of San Francisco. It should be noted that diversity in the Brown Administration has tripled from previous administrations.

Golden Gate Bridge, Highway and Transportation District September 17, 1998

Again, the District recognizes that it is the prerogative of the Mayor and Board of Supervisors to exercise discretion in their appointments to the District Board, and the District agrees that familiarity with public transit issues could be one useful factor for consideration in those appointments, as could representation of diverse populations. At the same time, we note that the range of responsibilities of the District is extremely broad. Unlike other public transit agencies, the District has a fundamental responsibility for operation, maintenance and repair of a remarkable bridge, the Golden Gate. The very location of the Bridge, which connects portions of the nation's National Park System, necessitates sensitivity to important environmental issues and policies.

We note, too, that, unlike the case with other Bay Area transit agencies, the District does not have the power to levy taxes of any kind; accordingly, business acumen requiring efforts to generate revenues from use of its real estate, tourism and other sources has been an important quality possessed by Board members who served the District over the years. In short, all Directors contribute a valuable perspective to the Board regardless of whether they have prior experience with public transportation issues or have merely been users and observers of different modes of public transportation. The District also notes that the City and County of San Francisco, with all its the diverse communities and interests, historically has been well represented by its Directors. Additionally, Directors, as a whole, consistently have shaped policies and overseen diversity programs, aimed at achieving broad-based participation in District contracting opportunities and in the composition of its workforce. This has been one of the hallmarks of the District's accomplishments over the past many years.

Golden Gate Bridge, Highway and Transportation District June 1, 1999

As in the case of Recommendation No. 1, the Grand Jury suggestion addresses proposed actions by the Mayor and Board of Supervisors, not the District. We also reaffirm and stand by the response provided on this recommendation last year.

Finding: Various Transit Policies Affect City Traffic

San Francisco continues to have a strong interest in District operations. District policies in all areas--Bridge tolls, commuter lanes, transit fares, bus routes, and bus and ferry schedules--influence commuter patterns, which in turn affect City traffic.

Finding: Promoting Transit Usage Can Reduce Bridge Traffic and Benefit the City

San Francisco's interest is not necessarily at odds with the other constituent counties. The District's efforts to promote transit usage and reduce Bridge traffic are beneficial to the City.

Finding: Structural Changes in the Board Requires Amending State Law

Many of the historical reasons for the current structure and county composition of the Board no longer exist. However, any structural changes in the Board would require an amendment to state law.

Finding: A Smaller Board Runs More Effectively and Efficiently

The District may not need a 19-member board to run effectively. A smaller board could be an effective and more efficient decision-making body. Further, reducing the Board to 9 or 11 members could save the District as much as \$75,000 to \$85,000 per year.

Finding: Scheduling Less Board Meeting on Fewer Days Can Reduce Meeting Costs

Scheduling less frequent meetings on fewer days would reduce the direct, and possibly indirect, cost of Board meetings, and allow members with other time commitments to attend more meetings.

Recommendation 3: The District Should Propose a Suitable Board Structure

The District should study the structure, operation and cost of the District board, including direct and indirect costs (e.g., staff and attorney time) of supporting the board, and propose a size and structure that suits the District's current and planned future functions.

Responses to Recommendation

The Board of Supervisors September 17, 1998

As the Grand Jury knows, the District is a special district created by action of the California Legislature. The current composition of the Board therefore is set forth by duly enacted state law. Thus, no change in the size or structure of the Board can occur without action by the Legislature. Indeed, the Legislature periodically has examined the composition of the Board and, for a variety of reasons, over time actually has determined to increase the size of the Board to its current level of 19 members representing the six counties who contributed to the creation of the District and the financing of the construction of the Golden Gate Bridge. It certainly is arguable that the current composition actually achieves a sensible balance of representation of the many geographic, political and public interests concerned in the varied operations of the District.

The Grand Jury questions whether the size of the Board has the effect of slowing action and making achievement of consensus more difficult. While that is a fair question, in actuality, the record reflects that the Board functions effectively and efficiently. Legislation and public policy issues are shaped and debated initially, as in the case of most legislative bodies, in committee settings. Standing committees are appointed to focus upon discrete powers and responsibilities of the District. Committees typically

meet on Thursday and Friday mornings each week; the full Board of Directors meets twice monthly on the second and fourth Friday mornings. The Rules of the Board clearly prescribe the methods by which issues may be raised and assigned to committees and the process for enactment of legislation. Agendas are issued to Board members and the public on a regular and timely basis and management reports virtually always are issued in advance of meetings to allow Directors to familiarize themselves with the subject matter of each meeting. In the interest of efficiency, the Board frequently conducts multiple committee meetings on the same day. Invariably, all meetings, including Board meetings, are concluded in less than two hours, inclusive of time for public participation. The suggestion of the Grand Jury to consider scheduling less frequent meetings on fewer days in an effort to further economize and to allow members with other time commitments to attend more meetings is worthy of review and discussion and will be considered by the Board. We think it is important, at the same time, however, to note the Grand Jury's findings that compensation that is paid to District Board members is in line with compensation payable to directors of other Bay Area transportation agencies, and "the direct cost to the District to support the Board is not excessive."

Given this opportunity to respond to the Grand Jury report, we would be remiss if we did not provide some examples of recently enacted policies and District accomplishments attained through the committee and Board, as well as public participation, processes described above:

- 1. On June 27, 1997, the Board awarded a \$30.5 million contract to Balfour Beatty Construction, Inc., for the first of several phases of seismic retrofit construction on the Golden Gate Bridge. The work when finally completed, will enable the Golden Gate Bridge to withstand a maximum credible earthquake of 8.3 magnitude occurring on the nearby San Andreas or Hayward Faults. The collective effort of the Board of Directors since the 1989 Loma Prieta quake has enabled this state of the art project to proceed without the incurring of any long-term debt. Moreover, as a result of substantial efforts with our elected representatives in Washington, D.C., over the past several years, Congress has enacted both authorizing and appropriations legislation that will generate in excess of \$100 million in federal assistance for this project
- 2. On April 29, 1996, the District completed the task on behalf of the Northwestern Pacific Railroad Authority to acquire approximately 140 miles of railroad corridor running north from Novato, California, to Willits, California. This visionary effort has assured the preservation of a unique corridor for future generations who will utilize mass transit in that corridor. The Board of Directors and Management Team provided the foresight and planning necessary to produce this significant accomplishment.

- 3. A major focus of the Board of Directors has been the enhancement of safety on the Golden Gate Bridge. Several bold actions were implemented in this regard, including obtaining passage of legislation rendering the Golden Gate Bridge and its approaches a double fine zone for speed violators, facilitating increased enforcement of the speed limit and encouraging public compliance through comprehensive outreach and marketing programs. Additionally, the Board recently endorsed in concept the implementation of a state of the art moveable median barrier on the Golden Gate Bridge. Comprehensive engineering and design studies to be carried out during the next year will lead to a final decision on this important safety enhancement issue.
- 4. On September 8, 1998, the District's newest passenger ferry was placed in revenue service. This 325-passenger vessel cruises at a speed of 35 knots and will reduce the overall trip time during the commute between Larkspur and San Francisco from 45 to 30 minutes. A substantial increase in ferry service has been implemented and overnight has been very well received by the public.

The Board's decisions affect millions of people each year who cross the Golden Gate Bridge or use the District's buses and ferries. While the District very much appreciates the Grand Jury's observations, the District finds that the current composition, structure and operation of the District Board works well in terms of both process and substantive decisions. Significantly, the projects highlighted above, and the many others that recently have been completed or are in the active planning and development stages, have been accomplished in a fiscally sound manner. Unlike other public transportation agencies in the Bay Area, the District has no tax base to rely upon; its programs are financed exclusively from the tolls and fares paid by its customers and federal and state subventions for which the District must compete. As suggested by the Grand Jury, however, the District will continue to monitor its internal structure, operation and costs and, if necessary, will make adjustments to ensure that the District Board continues to function in an effective, efficient and fiscally responsible manner that best serves the District's constituency.

Golden Gate Bridge, Highway and Transportation District June 1, 1999

As noted in the response last year, the size and structure of the Board of Directors is a matter within the exclusive purview of the California Legislature. Recommendation No. 3 also suggested that the operations of the District Board were worthy of examination from the standpoint of efficiency and economy of operations. These issues were addressed in our response last year, which we reiterate at this time. We also are continuing to monitor our internal structure, operation and costs. If material changes in those operations emerge, we will be pleased to share that information with you.



CHAPTER 6 HOMELESSNESS IN SAN FRANCISCO

BACKGROUND

"The Continuum of Care, a 5-Year Strategic Plan 1996 – 2001" (Continuum of Care) was developed by the Homeless Budget Advisory Task Force. The Continuum of Care sets forth a five-year plan to assist people who are homeless or who are at risk of being homeless. The Plan was adopted by the Board of Supervisors of San Francisco on August 25, 1997, and approved by the Mayor on September 5, 1997 for implementation. As a result of its review, the 1997-1998 Civil Grand Jury makes recommendations as to:

- Budgeting and staffing of the office of the Mayor's Homeless Coordinator
- Filling vacancies and representation on the Local Board
- Housing and treatment priorities of the Local Board
- Monitoring, coordinating and reporting responsibilities of the Local Board.

RESULTS

The Civil Grand Jury made sixteen recommendations and required responses from the following:

Mayor Board of Supervisors Local Homelessness Coordinating Board (Local Board) Department of Human Services

MAYOR'S HOMELESS COORDINATOR

Finding: There is No Proper Job Description in Place for a New Homeless Coordinator

Each new coordinator under the direction of the Mayor often defines his/her job without the benefit of files and records of his/her predecessors.

Recommendation 1: There Should Be Written Job Descriptions

Written job descriptions should exist for the Mayor's Homeless Coordinator and staff, outlining responsibilities, needed qualifications and experience and lines of authority.

Response to Recommendation

Local Homeless Coordinating Board (Not Dated)

The Mayor's Office in conjunction with the Local Homeless Coordinating Board, is currently updating existing job descriptions. This process will be completed no later in July 1999.

Finding: The Office on Homelessness Lacks Organizational Structure

The Mayor's Office on Homelessness re-invents itself with the appointment of each coordinator. Since Mayor Feinstein, the City has employed at least five different Mayor's Homeless Coordinators. While allowing for differences in philosophies and program approaches to solving the homeless problem by different mayoral administrations, the Office suffers from a lack of historical continuity and organizational structure.

Recommendation 2: The Office on Homelessness Should Be Given an Adequate Budget

The Mayor's Office should acknowledge that homelessness is not a transitory phenomenon. The Office on Homelessness should be given an adequate budget to fulfill its function and responsibilities, and the same status as other divisions of the Mayor's office, such as the Mayor's Office of Community Development and Office of Children, Youth and Families.

Responses to Recommendation

Mayor's Office October 27, 1998

The Mayor's Office of Homelessness works closely with the Office of Children Youth and their Families (MOCYF), Office of Community Development (MOCD), the Department of Public Health, Department of Human Services (DHS) and other agencies to ensure that homelessness is addressed in a structured, efficient and coordinated manner. These efforts have already showed great success in combating homelessness. The Mayor's Office has successfully pursued more federal grant funds than any other city on a per capita basis to fund renewal programs through DHS. This money will be used to fund permanent housing training and employment, substance abuse and mental health programs for our homeless population. Moreover, San Francisco now has 1700 beds for the homeless and our capacity is increasing.

Department of Human Services May 1999

The recommendations of the Civil Grand Jury relate to the Mayor's Homeless Coordinator and Local Homeless Coordinating Board. It is our understanding that the Mayor's Homeless Coordinator and Local Board will provide a status report on implementation of the Civil Grand Jury recommendations under separate cover.

Local Homeless Coordinating Board (Not Dated)

The Mayor's Office on Homelessness functions primarily in an advisory and policy setting capacity for the Mayor and other City departments, as is described in the original legislation establishing the office. In addition, the office implements special projects as requested by the Mayor. The Department of Human Services, Mayor's Office of Community Development, the Mayor's Office of Housing, the Mayor's Office of Youth, Families, and Children and the Department Public Health are responsible for service delivery and contract monitoring.

After exploration of this recommendation, it was determined that the current structure is more cost effective. In addition, this configuration allows the City to combine various department resources, expertise and disciplines (i.e. social and medical models) to address the issue from different perspectives.

Recommendation 3: Structure Staff and Office Functions

Staff and office functions need to be structured and ongoing in order to provide continuity of function for newly appointed Homeless Coordinators.

Response to Recommendation

Local Homeless Coordinating Board (Not Dated)

The Mayor's Office is currently revisiting the role of the Mayor's Office on Homelessness. This process will be completed no later in July 1999.

Finding: The Mission of the Office on Homelessness Is Complex

The broad mission of the Office on Homelessness involves a complex and varied range of specific tasks and responsibilities, which overwhelm the small staff, especially in light of the uncertain status of the office.

Recommendation 4: The Office of Homelessness Should Act as Support Staff for the Local Board

The work of the Local Board and the implementation of the Continuum of Care can greatly improve the quality of life for San Francisco's homeless populations. Therefore, the Homeless Coordinator and staff should continue to act as support staff for the Local Board.

Response to Recommendation

Local Homeless Coordinating Board (Not Dated)

The Mayor's Office on Homelessness in conjunction with the Department of Human Services, Mayor's Office of Community Development and the Department of Public Health will continue to provide staff support for the Local Board.

Finding: Staffing Levels are Low

Staff is often on loan from other City departments and the Coordinator serves at the pleasure of the Mayor. Staffing levels are low, given the magnitude of the problem and responsibilities.

Recommendation 5: Conduct a Performance Audit to Determine Staffing Need

An informal performance audit should be conducted to determine needed staffing levels, adequacy of resources and the activities of optimal effectiveness of the office of the Mayor's Homeless Coordinator.

Response to Recommendation

Local Homeless Coordinating Board (Not Dated)

An evaluation occurs annually. The most recent of which resulted in an increase of one position to provide additional staff support for the Local Board in fiscal year 1999-2000.

General Response

Department of Human Services May 1999

DHS supports the recommendations of the Civil Grand Jury to ensure adequate staffing of the Mayor's Office of Homelessness to carry out its responsibilities. DHS continues to fund the Homeless Coordinator position out of its department budget.

LOCAL BOARD

Finding: The Continuum of Care Plan Has Not Been Updated

The Continuum of Care plan was drafted in 1995-1996 and has not been updated.

Recommendation 1: Local Board Should Update the Continuum of Care⁶

The Local Board should update the Continuum of Care to reflect current aspects of homelessness in San Francisco and, in particular, the effect of changes in Welfare and Workfare that have occurred since the Continuum of Care was drafted.

Response to Recommendation

Local Homeless Coordinating Board (Not Dated)

Each year it is the responsibility of the Local Board to update funding priorities identified in the Continuum of Care 5-Year Strategic Plan. The 1999 HUD McKinney priority process included multiple community meetings with currently homeless individuals and families, advocates, City departments and citizens. The process also included evaluations of programs funded in previous years. Technical assistance was provided for all organizations seeking 1999 McKinney funding. The 1999 HUD McKinney application reflects the new priorities set by the Local Board. The priorities recommended are the development of affordable housing, employment/vocational rehabilitation and services for homeless individuals and families.

⁶ The Civil Grand Jury did not continue using sequential numbers for its recommendations but re-started the sequential numbering for the recommendations in this section.

Recommendation 2: The Local Board Should Prepare an Annual Progress Report

The Local Board should prepare an annual report on the state of homelessness in the City, which will contribute to documenting historic progress of each administration's efforts to help the homeless and to provide continuity.

Response to Recommendation

Local Homeless Coordinating Board (Not Dated)

City Departments will produce an annual document, which accounts for all Local, State and Federal dollars spent on homeless related issues in San Francisco. To date the release date has not been set but it is anticipated that it will be made available in the Fall of 1999.

Finding: Large Business, Labor, and Philanthropic Seats Are Hard to Fill

Large business, labor and philanthropic seats on the Local Board are among the most difficult seats to fill. As of May 15, 1998, these seats had not been appointed by the Board of Supervisors.

Recommendation 3: Vacant Seats on the Local Board Should Be Filled

The Board of Supervisors and the Mayor should fill the vacant seats on the Local Board.

Responses to Recommendation

Mayor's Office October 27, 1998

The Mayor's office concurs with the Grand Jury's recommendation that vacant seats of the Local Boards should be filled expeditiously.

Local Homeless Coordinating Board (Not Dated)

The Local Board has just completed the selection process for 8 vacant seats. These names have been submitted to the Board of Supervisors and are currently waiting for approval by the Rules Committee of the Board.

Recommendation 4: Seats Should Represent the Public

The Board of Supervisors and the Mayor should consider adding additional seats on the Local Board. These seats should represent the public and not those with vested interests in courses of action.

Response to Recommendation

Local Homeless Coordinating Board (Not Dated)

The Local Board has submitted a resolution to the Board of Supervisors recommending the addition of 4 seats. These seats include; homeless or formerly homeless youth, one advocate for the physically disabled, one emergency shelter provider and one representative from the Commission on the Status of Women.

Finding: No Defined Role of Homeless Coordinator

The role of the Mayor's Homeless Coordinator has not been defined.

Recommendation 5: The Local Board Should Adopt New Solutions and Policies

The Local Board should seek representation from influential community organizations to assist in procuring resources for imaginative ideas to create concrete solutions to the complicated problems of homelessness.

Response to Recommendation

Local Homeless Coordinating Board (Not Dated)

To date this recommendation has not been implemented. The Local Board will engage in a strategic planning process in June and July 1999. The topic of private fundraising is scheduled for discussion.

Finding: The Office of the Homeless Coordinator is Not Adequately Staffed

The Office of the Mayor's Homeless Coordinator is not adequately staffed.

Recommendation 6: Local Board Should Define Tasks and Assign Responsibility

The Local Board should identify information and data that is needed to perform its task and should assign to specific City departments the responsibility for gathering and submitting the necessary information.

Response to Recommendation

Local Homeless Coordinating Board (Not Dated)

The Local Board should identify information and data that is needed to perform its task and should assign to specific City departments the responsibility for gathering and submitting the necessary information.

Recommendation 7: The Local Board Should Create an Effective Action Plan

The Local Board should create an effective action plan for itself. If this plan is relatively narrow, and is followed, the Local Board will develop respect for its abilities and from this respect will come the ability to influence homeless policy.

Response to Recommendation

Local Homeless Coordinating Board (Not Dated)

The Local Board has retained the services of the Support Center to facilitate a strategic planning process in June 1999. During this two day retreat, the board will identify priority issues for the coming year, revisit the committee structure, establish appropriate lined of communication between board members and support staff, and evaluate activities from the previous year.

Finding: Very Few Local Board Members Attend Community Meetings

At community meetings, a minimal number of members of the Local Board is present.

Recommendation 8: Local Board Members Should Attend Meetings

The Local Board should establish guidelines for attendance, which require replacement of members not actively participating in scheduled regular, special, and sub-committee meetings.

Response to Recommendation

Local Homeless Coordinating Board (Not Dated)

The recently adopted Bylaws address this issue. Article II Section 3 of the Bylaws reads as follows:

The Membership Committee shall make periodic, not less than quarterly reports on the representation of categories listed above and on any current vacancies, and will review attendance for the previous quarter (Attendance defined as full board and at least one Article III subcommittee meeting) making recommendations to the Council for the dismissal of any member who is not in compliance with the attendance requirement. Any members found to be out of compliance with the attendance requirement will receive a letter informing them of the Committee's recommendation, and will be given the opportunity to address the Board prior to the deliberation and decision concerning the recommendation of Membership Committee.

Recommendation 9: Local Board Should Have Guidelines For Meeting Attendance

The Local Board should establish guidelines for attendance of Local Board members at scheduled community meetings.

Response to Recommendation

Local Homeless Coordinating Board (Not Dated)

The recently adopted Bylaws address this issue. Article V, Section 1 of the Bylaws reads as follows:

Members may be terminated from the Local Board for three (3) consecutive absences and missing more than six Local Board meetings. Attendance of members shall be reviewed quarterly by the Membership Committee. Any member in violation of the attendance policy shall receive a letter from the Membership Committee informing them of the Committee's recommendation for their dismissal at the next Local Board meeting, and inviting them to attend. The final decision shall be made by the full Board after the member being recommended has had an opportunity to address the Board.

Finding: The Local Board Has a High Representation of Providers

The Local Board has a high representation of advocates, homeless and service providers.

Recommendation 10: Local Board Should Communicate With Providers

The Local Board should have the specific responsibility of coordinating communication and information among agencies, existing housing and service provider organizations and advocacy coalitions. It should make recommendations to the Mayor and the Board of Supervisors to prevent duplication of effort and strengthen citywide planning and the implementation of homeless policy and funding recommendations.

Response to Recommendation

Local Homeless Coordinating Board (Not Dated)

To date this recommendation has not been implemented. The issues of information coordination and dissemination are scheduled for discussion at the June 1999 Strategic Planning retreat.

Recommendation 11: The Local Board Should Adopt Specific Responsibility

The Local Board should adopt specific responsibility for the publishing of an annual status report on homelessness. All recommendations made by the Local Board and responses to these recommendations should be available to John Q. Public.

Response to Recommendation

Local Homeless Coordinating Board (Not Dated)

To date this recommendation has not been implemented. The issues of public accountability and information dissemination are scheduled for discussion at the June 1999 Strategic Planning retreat.

CHAPTER 7 JUVENILE JUSTICE SYSTEM

BACKGROUND

The Youth Guidance Center is unsafe. This was a finding of the 1996-1997 Civil Grand Jury. The 1997-1998 Civil Grand Jury reiterates this finding and urges immediate corrective action to protect juvenile inmates.

RESULTS

The Civil Grand Jury made three recommendations and required responses from the following:

Mayor Board of Supervisors Department of Public Health Department of Public Works Juvenile Probation Department San Francisco Fire Department

Finding: The Juvenile Probation Department Acknowledged the Problems Identified by the 1996-97 Civil Grand Jury

The Juvenile Probation Department's response to the 1996-97 report of the Civil Grand Jury was, for the most part, an acknowledgment of the problems pointed out in the report with a point-by-point agreement with many suggestions and an explanation why others were not feasible for financial or other reasons.

Finding: The Department's New Chief Probation Officer Is Requested to Respond to the Suggestions of the 1996-97 Civil Grand Jury

With the adoption of a new Juvenile Justice Plan and the arrival of a new Chief Probation Officer, the Department is again requested to review and respond to various suggestions contained in the 1996-1997 Civil Grand Jury report.

Finding: The Department Ignored Requests for Corrective Action

Unfortunately, the response of the Acting Chief Probation Officer chose to center on alleged inaccuracies in the 1996-97 Civil Grand Jury report and ignored requests for corrective action. For example, the Civil Grand Jury report states, "There are no smoke detectors inside the individual cells where the youth sleep and spend part of their day". The Department response is: "There is a smoke detector in each housing room." This is misleading and a non sequitur. A housing room is a large area consisting of numerous cells and common open space, whereas a cell is a small cubicle in which children can be, and are, locked at times. There are no smoke detectors inside the individual cells.

Recommendation 1: The Youth Guidance Center Should Be Inspected

The Department of Public Health, the San Francisco Fire Department, and the Department of Public Works should inspect the Youth Guidance Center as to fire detection and evacuation capabilities and each department should issue an appropriate report to the Mayor and the Board of Supervisors and the Juvenile Probation Department.

Responses to Recommendation

Department of Public Works May 24, 1999

The Department of Public Works (DPW) conducts a small-scale program that monitors the conditions of the City's General Fund supported buildings. The Facility Condition Monitoring (FCM) Program includes a site visit by DPW personnel to observe whether the components of the facility are functioning as originally designed and installed. Components that are not functioning as originally designed and installed are considered "deficient." A written report identified the deficiencies and provides preliminary estimates of the cost of correction.

The most recent FCM site visits at the detention facilities at the Youth Guidance Center were conducted from March 1997 through June 1997. The 1997 reports show no deficiencies pertaining to the operation of fire detection and alarm systems. Among the eighteen (18) buildings monitored at the complex, five (5) of the buildings have reports of deficiencies pertaining to the condition of security windows, security doors, and holding cell doors.

The reports cite several damaged and/or broken windows or doors. The reports do not cite any specific malfunctions of the evacuation or exiting capabilities of the damaged windows or doors.

Summary and detailed deficiency descriptions of the 1997 visits are available upon request.

Department of Public Health June 28, 1999

The Department of Public Health (DPH) conducts annual environmental health and safety inspections of the Youth Guidance Center as required by the California Youth Authority. In addition, DPH also conducts inspections of the Youth Guidance Center throughout the year, in response to complaints related to environmental health and safety or hazardous materials.

However, inspections of the Youth Guidance Center pertaining to fire safety and evacuation are not under the jurisdiction of the Department of Public Health. Fire safety and evacuation inspections are conducted by the San Francisco Fire Department.

Recommendation 2: Implement Corrective Steps Identified in the Inspections

The Juvenile Probation Department should then take immediate action to implement corrective steps determined to be necessary as a result of such inspection.

Recommendation 3: The Mayor Should Monitor and Expedite Required Corrective Steps

To avoid danger to those youth incarcerated in the Youth Guidance Center, the Mayor should monitor and expedite any required corrective steps.

Response to Recommendation

Mayor's Office October 27, 1998

We agree that the appropriate departments should inspect the Youth Guidance Center and report to the Mayor's office. Safety should always be a prime concern at the Youth Guidance Center.

General Response

Juvenile Probation Department (Not Dated)

The Civil Grand Jury Report for FY 1997-98 reiterates a finding of the FY 1996-97 Civil Grand Jury Report that stated that the Youth Guidance Center is unsafe. The finding in the FY 1996-97 report specifically states that with respect to Juvenile Hall, there is (1) no central locking and unlocking mechanism to control the individual cells, (2) no sprinkler system operative in the individual cells, and (3) no smoke detectors inside the individual cells.

In response to the above-noted finding, the report recommended that the Department (1) install a central locking/unlocking mechanism for each individual cell, (2) install smoke detectors in each cell, (3) install a sprinkler system in the hallway, common areas and each individual cell, and (4) increase the number of counselors so that the doors on each of the individual cells can remain unlocked at all times.

Our Department's response to these recommendations was and is as follows: (1) we have included a request for funds in our annual Capital Improvement Project budget request (over the last several years) for a centralized security system and such request has not been approved, (2) smoke detectors were installed in each individual cell several years ago and were in place at the time of the Grand Jury's review, (3) the current smoke detector and alarm system, which is on-line to the Fire Department, meets the requirements of the State Fire Marshall's Office. The Department has no plans, at this time, to implement this recommendation, and (4) the Department continues to believe that the recommendation to increase the number of counselors so that the doors on each of the individual cells can remain unlocked at all times is not operationally or fiscally sound. Furthermore, the Department believes that having the individual cells unlocked at all times, regardless of the level of staffing, would compromise safety and security for both staff and clients.

The FY 1997-98 Grand Jury Report also includes further recommendations that: (1) the Department of Public Health, the San Francisco Fire Department, and the Department of Public Works should inspect the Youth Guidance Center as to the fire detection and evacuation capabilities, and (2) each of these departments should issue an appropriate report to the Mayor, the Board of Supervisors and the Juvenile Probation Department, and the Juvenile Probation Department should then take immediate action to implement corrective steps determined to be necessary as a result of such inspections.

The above-noted inspections have not, as yet, been performed by the subject departments.

CHAPTER 8 OVERTIME

BACKGROUND

The 1997-98 Civil Grand Jury received an Overtime Report from the Controller's Office outlining overtime expenditures by department for the fiscal years 1995-96, 1996-97, and 1997-98. The report indicated overtime expenditures well in excess of budgeted amounts, and in excess of revised budgeted amounts, for many of the departments listed.

Figures stated that for fiscal year 1997-98, the "revised" citywide overtime budget totaled \$34,713,091. However, actual overtime paid through May 15, 1998, citywide, already totaled \$65,085,653.

The Civil Grand Jury felt it was particularly important to undertake an investigation into the causes of and possible remedies for overtime expenses that seemed excessive. Therefore, the Civil Grand Jury selected a representative sample of the reported departments, specifically including those departments that exceeded their budgeted amounts by the largest percentages. The sample departments were: Municipal Railway (MUNI), San Francisco Fire Department (SFFD), San Francisco Police Department (SFPD), Community Health Network, San Francisco International Airport, Recreation and Park Department, and Water Department (PUC).

The Civil Grand Jury's investigation yielded findings and recommendations that fell into two categories. It was decided to address general issues and specific departmental issues separately. It also emerged that monitoring of overtime expenses is inadequate. Thirty departments were required to file the overtime report specified in San Francisco Administrative Code, Section 18.13, regarding maximum permissible overtime. As of June 10, 1998, only one department had filed its required report that was due on May 1st.

Some of the problems investigated are particularly ingrained in the culture of the workforce of the City and County of San Francisco and will be difficult to change without a genuine re-thinking of the best interests of the City and County as a whole. The implicit obligation to maintain a level of fiscal responsibility in the financial operations of the City and County has been relegated to obscurity. The inherent difficulties in fundamentally changing an ingrained culture are acknowledged.

RESULTS

The Civil Grand Jury made 66 recommendations and required responses from the following:

Mayor

Board of Supervisors

Airport Commission

Civil Service Commission

Community Health Network (Department of Public Health)

Department of Human Resources

Fire Department

Municipal Railway

Police Department

Recreation and Park Department

Water Department (Public Utilities Commission)

Finding: Departments Are Not Complying With Administrative Code Reporting Requirements

Many departments are not complying with the reporting requirements of Administrative Code Section 18.13.

Response to Finding

Civil Service Commission October 20, 1998

The Commission is unable to comment and defers to the Board of Supervisors, Department of Human Resources, and the Controller's Office.

Finding: Many Departments Were Not Aware of the Code Section

Many departments maintain they were not aware of the existence of the Code Section.

Response to Finding

Civil Service Commission October 20, 1998

The Commission is unable to comment and defers response to the Board of Supervisors, Department of Human Resources, and the Controller's Office.

Recommendation 1: Departments Should Be Informed of Existing Requirements

The Budget Analyst and the Board of Supervisors should inform all covered departments and agencies of the existence and requirements of Administrative Code Section 18.13.

Response to Recommendation

Civil Service Commission October 20, 1998

The Commission agrees with this finding but defers response to the Board of Supervisors, Department of Human Resources, and the Controller's Office.

Finding: The Budget Analyst Does Not Monitor or Demand Compliance

The Budget Analyst does not monitor or demand compliance with the Code Section.

Response to Finding

Civil Service Commission October 20, 1998

The Commission is unable to comment and defers response to the Board of Supervisors, Department of Human Resources, and the Controller's Office.

Recommendation 2: Compliance With Code Section 18.13 Should Be Monitored

The Budget Analyst and the Board of Supervisors should monitor compliance with Code Section 18.13. This should begin immediately.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission will implement procedures by December 1, 1998 to comply for the Civil Service Commission staff, but defers response that affect other departments to the Board of Supervisors, Department of Human Resources, and the Controller's Office.

Civil Service Commission May 27, 1999

In compliance with implementing procedures for Civil Service Commission staff on overtime, the Commission amended its DEPARTMENTAL MANUAL to include provisions for overtime or compensatory time. These provisions are contained under Departmental Procedures – Office Hours and Attendance as follows:

- The Civil Service Commission does not have a budget for overtime pay.
- Civil Service Commission staff receive compensatory time for hours worked beyond the normal work schedule.
- Advance approval by the Executive Officer or Assistant Executive Officer is required in earning and using compensatory time. Compensatory time is earned and computed according to the employee's collective bargaining agreement.
- The Commission maintains its service level and stays within its allocated budget with as-needed staff to cover vacations and peak work period assistance.

Finding: The Board Of Supervisors Does Not Monitor Compliance

The Board of Supervisors does not monitor compliance with Code Section 18.13.

Response to Finding

Civil Service Commission October 20, 1998

The Commission is unable to comment and defers response to the Board of Supervisors, Department of Human Resources, and the Controller's Office.

Finding: Only One of Thirty Departments File Required Overtime Reports

The overtime report submitted to the Civil Grand Jury by the Office of the Controller showed that thirty (30) departments were required to file the overtime report specified in Code Section 18.13. The Clerk of the Board of Supervisors and the Office of the Budget Analyst have confirmed to the Civil Grand Jury that as of June 10, 1998, only one department has filed its required report which was due on May 1.

Response to Finding

Civil Service Commission October 20, 1998

The Commission is unable to comment and defers response to the Board of Supervisors, Department of Human Resources, and the Controller's Office.

Recommendation 3: Delinquent Reports Should Be Submitted Within 45 Days

The Budget Analyst and Board of Supervisors should require all presently delinquent reports to be submitted within 45 days of notification of the requirement to report.

Response to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission defers response to the Board of Supervisors, Department of Human Resources, and the Controller's Office.

Finding: No Provision for Enforcement of the Reporting Requirement

There is no provision in the Code Section for enforcement of the reporting requirement.

Response to Finding

Civil Service Commission October 20, 1998

The Commission is unable to comment and defers response to the Board of Supervisors, Department of Human Resources, and the Controller's Office.

Recommendation 4: The Board of Supervisors Should Consider Methods for Enforcing the Reporting Requirement

The Board of Supervisors should consider methods for enforcing the reporting requirement.

Response to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission defers response to the Board of Supervisors, Department of Human Resources, and the Controller's Office.

GENERAL ISSUES

STAFFING ISSUES

The most pervasive issue that surfaced throughout the departmental responses to the Civil Grand Jury questionnaire was that of inadequate staffing. Every department surveyed pointed out that it has operated consistently with numerous budgeted positions that were vacant. In almost all cases, overtime was required to back-fill the vacancies.

Department Of Human Resources

Throughout its investigation, the Civil Grand Jury has heard a recurring excuse for the use of overtime: Overtime is required because staffing is inadequate and budgeted positions are left vacant for long periods of time. Much of the dissatisfaction for this chronic condition is directed at the Department of Human Resources (DHR). Department managers often blame DHR for delays in the hiring process that cause vacancies, which in turn require overtime to be paid citywide. The DHR feels it has inadequate resources and personnel to fulfill its mission.

Finding: DHR Is Understaffed

The Department of Human Resources is clearly understaffed and is therefore not able to fulfill its objectives and mandates.

Responses to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission agrees with this finding and supports full funding and an increase in staffing levels if required for the Department of Human Resources.

Department of Human Resources October 20, 1998

The DHR partially agrees with this finding. The Merit System Services Unit of the department has been understaffed for several years.

Recommendation 5: Staffing Requirements Should Be Reviewed and Adjusted

The Mayor, Board of Supervisors, and the Director of Human Resources should review staffing requirements for the Department of Human Resources and adjust accordingly to reflect the actual number of personnel needed to accomplish the objectives and mandates of the department.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission agrees with this recommendation but defers to the Department of Human Resources for response. The Civil Service Commission is available to assist the Department of Human Resources in any way possible within its jurisdiction.

Department of Human Resources October 20, 1998

Three additional positions were funded in fiscal year 1997-98 and assigned to the Merit System Services unit of DHR, as well as streamlined exam processes, have contributed to significant increases in productivity. Specifically, the number of eligible lists established last fiscal year has far surpassed the totals of the previous five years and is 60% more than fiscal year 1996-97.

Significant planning activities have occurred to address immediate as well as long range examination needs. Specifically, the operational needs of departments and Charter limits on terms of provisional appointments have been considered when determining examination priorities and developing work plans for fiscal years 1997-98, 1998-99, and 1999-00. Additionally, radical changes in examination administration are under development and are expected to streamline future hiring processes.

Streamlining of hiring processes is a major priority of DHR and the recent infusion of additional resources for the MSS unit has demonstrated this. However, we do not believe that current hiring processes are primarily responsible for excessive overtime costs in certain City departments. The departments who have exceeded their overtime budgets by the greatest percentages (Muni, Fire and Police) typically hire new staff from available eligible lists in common classes such as Q2 Police Officer, H-1

Firefighter, and 9163 Transit Operator. Provisional hiring should be rare in these areas as consent decree units or decentralized exam units are dedicated to the administration of these high volume examinations. More significantly, direct supervision of these decentralized units is within the authority of the operating department administration, as is the setting of the unit's goals and priorities.

Recommendation 6: DHR's Budget Should Be Revised

The DHR's department budget should be revised to appropriate adequate funds to hire and train any additional personnel required.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission agrees with this recommendation but defers to the Department of Human Resources for response. The Civil Service Commission is available to assist the Department of Human Resources in any way possible within its jurisdiction.

Department of Human Resources October 20, 1998

See response to recommendation 5.

Finding: The Hiring Process Is Cumbersome

The hiring process required for all City employees, whether for a so-called provisional hire or for a Civil Service hire, is particularly cumbersome, duplicative, and repetitive.

Responses to Finding

Mayor's Office September 14, 1998

Human Resources/Civil Service-- The Hiring Process .

I agree that the recruitment and hiring process has been burdensome; however, it is much improved and will only continue to get better. My 1998-99 budget provides approximately \$5 million to develop a citywide position control system with the goal of having an on-line 'paperless' process. In addition, Andrea Gourdine, our Human Resources Director, has given many city departments the authority to conduct their

own job postings, testing and hiring. For those departments that continue to depend on the Department of Human Resources (DHR), we have funded additional staff to expedite the hiring process. The number of eligible hiring lists established this fiscal year has far surpassed the totals of the previous five years and is 60% more than last year. In short, we have improved our performance and have invested in technology to lead us to a more efficient and timely hiring process.

Civil Service Commission October 20, 1998

The Civil Service Commission agrees with the finding that the provisional hiring process is duplicative and repetitive. It is the policy of the Civil Service Commission that the first priority for hire be through the examination process thereby reducing the need for a duplicative provisional hiring process. The Department of Human Resources and the Civil Service Commission are working closely together to streamline rules, policies, and procedures to reinforce this goal. The Civil Service Commission is seeking input from departmental representatives to determine where the rules, policies, and procedures may be streamlined to improve timeframes in the hiring process while maintaining the integrity of the merit system.

However, the Civil Service Commission disagrees with some of the procedures listed in the document referred to as Appendix G. This document does not appear to have been reviewed or approved by the Civil Service Commission, its staff or the Department of Human Resources.

Civil Service Commission comments on Appendix G are listed below:

- In accordance with Charter Section 10.102, appeals of any action of the Human Resources Director to the Civil Service Commission do NOT stay the action pending resolution of the appeal, unless by majority vote of the Civil Service Commission - a very rare occurrence. Examination, classification, and hiring activities may continue without disruption.
- Job Analysis Questionnaires (JAQ) are not required for every position. These forms are normally required only for proposed new classifications or complex, non-routine classification requests.
- 3. Many of the hiring procedures described in Appendix G can be completed simultaneously rather than what appears to be a linear process.
- 4. It appears the document referred to as Appendix G includes internal departmental procedures not specifically addressed by Civil Service Commission Rules.

Department of Human Resources October 20, 1998

DHR partially agrees with this finding. The department believes that provisional hiring processes are not effective, and the DHR has urged departments to convert these processes to regular civil service exam processes. However, merit-based exams that employ innovative selection processes or as training and experience evaluations, can be accomplished in an expeditious manner and are not cumbersome, duplicative or repetitive.

Recommendation 7: DHR Should Implement an Aggressive Hiring Plan

The Department of Human Resources should implement an aggressive hiring plan to achieve the realistic personnel requirements of the Department of Human Resources within a reasonable period of time.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission agrees with this recommendation but defers to the Department of Human Resources for response. The Civil Service Commission is available to assist the Department of Human Resources in any way possible within its jurisdiction.

Department of Human Resources October 20, 1998

The Merit System Services Unit operates at a full level of staffing. Vacant positions are refilled immediately upon approval of requisitions to ensure goals and objectives are met.

Finding: Satellite Personnel Departments Are Understaffed

Satellite personnel departments exist in departments such as the Municipal Railway and are mandated to facilitate and accomplish departmental hiring. These satellite departments are also understaffed and may have inexperienced personnel.

Responses to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission agrees with this finding and supports full funding and an increase in staffing levels if required for the Muni - Department of Human Resources. The Civil Service Commission staff is also available to assist in training, advice, and support on merit system concerns.

Department of Human Resources October 20, 1998

DHR agrees with this finding. Additional staff in nearly every decentralized examination unit would help eliminate the examination backlog, thereby eliminating redundant provisional hiring processes. The DHR has supported budget requests for additional staff in many of these units and has strongly recommended that other departments increase funding in these units.

Recommendation 8: DHR Should Review Staffing in Satellite Personnel Departments

The Department of Human Resources should review the staffing requirements of satellite personnel departments and adjust, fund, and train accordingly.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission agrees with this recommendation and is available to assist the Department of Human Resources in any way possible. The Civil Service Commission notes the funding for satellite personnel departments is the responsibility of each department. Satellite personnel departments must compete with the funding needs of departmental operations. Departments are faced with the decision to fund a support service (Human Resources) or direct service. In the long run, failure to adequately fund the human resources function negatively affects the hiring of qualified staff, addressing labor relations issues, and responding to departmental operational needs.

Department of Human Resources October 20, 1998

The Merit System Services Unit meets regularly with managers of the decentralized examination and classification units of operating departments to discuss goals,

objectives, and staff performance standards. Internal training opportunities are open to staff of the decentralized unit and new procedures manuals are being developed to ensure consistency in practices.

Although the Department of Human Resources does not have the ability to fund additional positions in other departments, recommendations have been made to increase staffing levels where departmental demands exceed potential performance levels. Specifically, additional professional staff has been recommended for several departments and funding efforts have been supported by DHR. The fiscal year 1998-99 budget reflects many of the recommendations, with additional staff in the PUC, Sheriff's Department, and Department of Transportation.

Finding: The Provisional Hire Attrition Rate Is Higher and Results in Higher Overtime

Hiring is even more difficult because current lists of eligible candidates are not available for numerous City job classifications. Testing to determine eligible candidates and create official lists does not occur on a regular basis. As a result, departments are forced to resort to provisional hiring rather than permanent hiring. The provisional hire attrition rate is higher than the Civil Service hire attrition rate and overtime is consequently higher.

Responses to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission agrees with this finding and is available to assist the Department of Human Resources in any way possible to streamline the Civil Service Commission Rules to facilitate the administration of examinations.

Department of Human Resources October 20, 1998

DHR partially agrees with this finding. Lack of adequate funding of the MSS and decentralized units have resulted in the backlog of exams. However, departments have often chosen to conduct provisional processes when in fact such processes could have been converted to regular civil service exams under the oversight of DHR.

The section of the Civil Grand Jury Report concerning "Overtime" suggests that the infrequency of civil service examinations is the primary cause of departmental overtime expenditures, however, it does not provide any evidentiary linkages to support this assertion. In fact, a review of the issue indicates the following:

- The hiring process is generally the same for every classification. If it were singularly the most crucial factor in determining overtime, then there would be high overtime usage in all departments. To conduct more than a cursory overtime cost analysis, we need to have separate payroll codes indicating the rationale for assigned overtime. This would facilitate an overtime analysis by classification and department. In many cases, departmental work rules and practices weigh heavily in determining overtime rates. As an example, the 7410 Auto Service Worker classification is used at Muni and in the Purchasing departments. A review of the payroll records at the beginning of the fiscal year indicates that the overtime payroll for 18 FTE at Purchasing totaled \$569.00, whereas the roll for Muni, which staffs 81 FTE, totaled \$22,931. Therefore, the cost per employee at Muni is eight times higher than that of the Purchasing department. If, in fact, overtime costs were a function of eligible list status, the impact among departments would be similar. Muni has a 7-day week, 24-hour per day operation, utilizing four shifts per 24 hours. Purchasing operates Monday through Friday, and use four shifts (7:30 am to 11:30 pm). Muni uses overtime for shift coverage (absences) and road service. Purchasing has no regularly scheduled overtime. Most overtime is used for road service. Neither department reports high vacancy levels. Both departments reported low to zero personnel turnover rates. The data reveals that work practices and/or unusual circumstances are the more significant factors in the use of overtime.
- Departments have been reluctant to convert provisional hiring processes to civil
 service exams or invest resources in regular hiring processes, as recommended by
 the Department of Human Resources. In many cases, the departments cite union
 concerns as impediments to formal hiring and choose to engage in provisional
 appointments, thereby duplicating hiring processes.
- We are diligently working to improve the City's employment requisitioning process. A review of requisitions issued for Transit Operator positions in the last quarter (FY 97-98) reveals that the approval process (involving reviews by the Controller's office, Mayor's office, and Department of Human Resources) in total averaged five working days. However, we anticipate that the requisition review workflow will be automated through the deployment of newly purchased software, PeopleSoft Human Resources Management Systems (HRMS). The deployment of the People HRMS is scheduled in two phases. The first phase involves deployment of the core human resources functionality to the Mayor and Controller and is scheduled for April 1999. This deployment date could be pushed back if the City Hall "move-in" and network infrastructure linking City Hall to the City network has not been completed. This phase links all of the major "players" that review and approve requisitions and should improve "turnaround time" simply through the economies gained by automation.

The second phase is scheduled for December 1999 and involves deploying the PeopleSoft HRMS to the operating departments. Operating departments will be able to submit personnel requisitions "electronically." Again, the efficiencies gained by simple automation should reduce the "turnaround time." Some operating departments may not be linked to the PeopleSoft HRMS initially due to technology obstacles such as lack of ability to link to the City network or are so small as not to have dedicated HR staff. DHR will have to accommodate those departments through yet to be determined means.

Other gains in efficiency are directly dependent on our ability to redefine the business rules of the requisition review and approval process.

Appendix G - Steps for Civil Service Hiring suggests delays which typically do not
exist. For example, streamlined classification processes now occurs before new and
substitute positions receive budgetary approval. Additionally, many steps occur
simultaneously, rather than in a linear fashion, thereby further shortening the hiring
process. For example, preparation for departmental hiring should occur well before
requisitions are issued and not after the certification is issued. Finally, many "steps"
listed are internal to MUNI and are not required by CSC Rules or DHR procedures.

Recommendation 9: Employment Testing Should Be Conducted Regularly

The Department of Human Resources should be mandated to conduct employment testing at regular intervals and to maintain accurate, current lists of eligible candidates for all categories of City and County employees. They should be adequately funded to accomplish this mandate.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission agrees with this recommendation but defers to the Department of Human Resources for response. The Civil Service Commission is available to assist the Department of Human Resources in any way possible within its jurisdiction.

Department of Human Resources October 20, 1998

We believe that our attempts to streamline exam processes are the true key to the elimination of provisional hiring. For example, implementation of our new clerical testing and information technology programs will completely eliminate the need for provisional hiring in these areas.

Finding: Excessive Civil Service Employee Categories

There is an excessive number of civil service employee categories.

Responses to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission agrees with this finding. The reduction of the number of job classifications (categories) is a high priority of the Commission. The number of job classifications (categories) has been reduced from over 2,100 in 1991 to 1,449 job classifications 1998. The Civil Service Commission amended its rules on classification in 1998 to further facilitate the efforts of the Department of Human Resources to reduce the number of job classification. The Civil Service Commission and its staff are available to assist the Department of Human Resources to meet the Commission's goal of 1,000 classes by the year 2000.

Department of Human Resources October 20, 1998

The DHR agrees with this finding. Since 1992, the DHR has aggressively addressed the complex and unwieldy position classification system. Since 1992, the number of job codes has been significantly reduced. Continuing efforts are being made to further reduce the number of codes by 393 to approximately 1,000. Because reallocating an occupied position to a lower paid job code requires union approval, the practical impossibility of combining job codes represented by different labor organizations, and the wide variety of City and County departmental operations, it is unlikely that the number will be reduced below 1,000.

Recommendation 10: Excessive Employee Categories Should Be Eliminated

The Department of Human Resources should work together with the Civil Service Commission to streamline the Civil Service hiring process through elimination of excessive numbers of civil service employee categories.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission agrees with this recommendation. The reduction of the number of job classifications (categories) is a high priority of the Commission. The

number of job classifications (categories) has been reduced from over 2,100 in 1991 to 1,449 job classifications 1998.

The Civil Service Commission amended its rules on classification in 1998 to further facilitate the efforts of the Department of Human Resources to reduce the number of job classifications. The Department of Human Resources has representatives on the Executive Officer's Advisory Committee which is reviewing the Civil Service Commission Rules including the Rules on Classification and Status to determine where these rules can be modernized and streamlined, while maintaining the integrity of the merit system.

The Civil Service Commission and its staff are available to assist the Department of Human Resources to meet the Commission's goal of 1,000 classes by the year 2000.

Department of Human Resources October 20, 1998

The DHR has actively sought to reduce the number of civil service classifications within the last few years. 393 classifications have been removed from the class plan since 1992. Efforts to further consolidate and eliminate job codes continue to be a priority within the Department.

Recommendation 11: DHR's Automation Process Should Be Completed Quickly

The Department of Human Resources should complete its process of automation as quickly as possible. The Department of Human Resources should also have adequate funding to accomplish this necessary automation.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission agrees with this recommendation but defers to the Department of Human Resources for response. The Civil Service Commission is available to assist the Department of Human Resources in any way possible within its jurisdiction.

THE BUDGET PROCESS

When overtime results from further understaffing, and actual overtime expenses exceed the amount specifically budgeted for overtime, unspent budgeted funds can be transferred from the pay categories listed above to overtime accounts. This 'technique' is part of the "salary

savings" process and circumvents the budget process because it is accomplished at the department level and does not require review or approval by the Board of Supervisors. As a result, true overtime expenses are obscured.

It should be noted that a review of actual overtime expenditures for the past three fiscal years demonstrated budgeted funds for overtime were consistently exceeded for many City and County departments. The resulting citywide actual overtime expenses are more than double the original budgeted amounts and almost double the revised budgeted amounts.

Currently, departments are allowed, without the Board of Supervisors' review or approval, to transfer funds from their permanent and temporary 'base salary' accounts, as well as from their holiday and premium pay accounts, to overtime accounts. This occurs to cover overtime expenditures that exceed the original or revised fiscal year overtime budgets previously approved by the Mayor and the Board of Supervisors.

Finding: Underestimating the Overtime Budget Results in an Unbalanced Budget

Underestimating overtime budget requirements is not in the best interest of fiscal responsibility. The result is a 'balanced' budget that is, in fact, <u>not</u> balanced. It is a budget where all parties are aware that budget revisions and supplemental appropriations will be required.

Response to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission is unable to comment on this finding and defers response to the Board of Supervisors, Mayor's Office, and the Controller's Office.

Recommendation 12: Base Salaries and Overtime Should Be Budgeted Realistically

The Mayor and department heads should budget base salaries and overtime realistically, based on historical precedent, so that every annual approved budget reflects a true and accurate fiscal picture for the City and County.

Response to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission is generally agrees with this recommendation but defers response to the Mayor's Office, Board of Supervisors, and Controller's Office.

Finding: The Salary Savings Technique Contributes to Unrealistic Budgeting

The "salary savings" technique contributes to unrealistic budgeting appropriations. It contributes to understaffing, requires the juggling of funds from various accounts to overtime accounts, and results in inefficient operations within the subject departments where it is mandated.

Response to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission is unable to comment on this finding and defers response to the Mayor's Office, Board of Supervisors, and the Controller's Office.

Recommendation 13: Emphasis on Salary Savings Should Be Reduced

The Mayor, Board of Supervisors, and department heads should reduce the emphasis on "salary savings" in the budgeting process, and work with individual departments to achieve optimum staffing levels utilizing adequate base salary appropriations.

Response to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission is unable to comment on this recommendation and defers response to the Mayor's Office, Board of Supervisors, and Controller's Office.

Finding: The Budget Review Process Is Too Compressed

The budget review and oversight process is too compressed. The Budget Analyst is given too little time to allow for adequate review prior to the start of Finance Committee hearings.

Response to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission is unable to comment on this finding and defers response to the Mayor's Office, Board of Supervisors, and Controller's Office.

Recommendation 14: The Budget Analyst Should have a 45-Day Review Period

The Mayor and Board of Supervisors should require that the proposed budget be presented to the Budget Analyst for analysis and review at least forty-five days prior to the Finance Committee deliberations.

Response to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission is unable to comment on this recommendation and defers response to the Mayor's Office, Board of Supervisors, and Controller's Office.

Finding: Much of the Budget Process Is Concentrated in the Mayor's Office

Much of the budget process is concentrated in the Office of the Mayor. Formerly, individual departments drafted budgets, based on historical precedent, and incorporated anticipated future needs. Proposed budgets were then presented to the Office of the Mayor for review and revision. Today, it appears the Office of the Mayor informally controls individual departmental budget requests.

Response to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission is unable to comment on this finding and defers response to the Mayor's Office, Board of Supervisors, and Controller's Office.

Recommendation 15: The Budget Should Be Adequately Funded

The Board of Supervisors should be required to pass an adequately funded budget that reflects the realities of expected expenditures in the City and County.

Response to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission is generally agrees with this recommendation but defers response to the Mayor's Office, Board of Supervisors, and Controller's Office.

Finding: The Mayor's Office Requires Departments to Obtain the Mayor's Approval for Budgets

Departments have been advised by the Mayor's office they should not formally submit to the Controller a budget that has not been agreed to by the Mayor's Office prior to its submission.

Response to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission is unable to comment on this finding and defers response to the Mayor's Office, Board of Supervisors, and Controller's Office.

Recommendation 16: Departments Should Be Responsible for Realistic Budgets.

The Mayor and Board of Supervisors should return the budget process to individual departments and require department heads to annually submit a realistic budget request.

Response to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission agrees that departments should submit a realistic budget but defers response to the Mayor's Office, Board of Supervisors, and Controller's Office.

Finding: Insufficient Time for Budget Analysis

Two weeks is far too short a time to allow for adequate review and analysis of the budget by the Budget Analyst. The Finance Committee and the Board of Supervisors are therefore put in the position of approving a budget without adequate time or information from its own watchdog.

Response to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission is unable to comment on this finding and defers response to the Mayor's Office, Board of Supervisors, and Controller's Office.

Recommendation 17: Overtime Should Be Reduced and Controlled

The Mayor and the Board of Supervisors should work with individual departments to reduce and control overtime.

Response to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission agrees with this recommendation but defers response to affected departments, the Mayor's Office, and Board of Supervisors.

DISABILITY AND WORKERS' COMPENSATION ISSUES

It is an obvious corollary that excessive absenteeism within the regularly scheduled workforce will result in excessive overtime as workers are required, at overtime wages, to fill-in for their absent co-workers. There are many causes for absence of workers, but perhaps the major one is employees who are on workers' compensation because of injury or sickness.

It is possible for an employee to receive full salary or higher than base salary when on disability leave because the City supplements maximum disability rates to bring total compensation to the employee's regular pay level. The effect on the employee is to increase his take home pay since there are no income taxes on disability pay. Consequently, the employees make more money when disabled than when working.

Finding: Workers' Compensation and Disability Costs Are Excessive

Workers' Compensation and Disability costs to the City are excessive.

Responses to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission is unable to comment on this finding and refers to the Department of Human Resources for comment.

Department of Human Resources October 20, 1998

Workers compensation costs have been increasing due to higher medical rates and indemnity payments. The actual number of claims has remained virtually unchanged from last fiscal year. The word "excessive" suggests that these costs are unreasonable for a self-insured public agency of San Francisco's size and complexity. At this point we have insufficient data to either agree or disagree with this finding. The DHR/WCD work plan for 1998-99 includes an examination of this issue along with continuing efforts to reduce cost.

Recommendation 18: Departments Should Investigate Workers' Injuries

SFFD, SFPD, and MUNI should investigate whether workers out on disability remain off the job longer than their injuries warrant.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission is unable to comment on this recommendation and defers to the Department of Human Resources for comment.

Department of Human Resources October 20, 1998

The departments have increased their efforts. The City budgets \$500,000 for all types of investigations, including sub-rosa. Last year, the SFFD received a supplemental appropriation for an additional \$50,000 to specifically target sub-rosa investigations.

The SFPD has an internal claims validation unit that works closely with the WCD and staff in the City Attorney's office to focus on the early investigation of suspected claims.

MUNI's pilot Triage project has three components, transitional work (modified or light duty), early intervention, and improved claims administration through reduced caseloads. There are 80 employees on the waiting list for light-duty assignments, but there currently are only 20 slots available. Finding transitional work for those 80 drivers would save nearly \$2 million in one year- including overtime to cover for absent workers. MUNI's newly hired Workers' Compensation Coordinator is vigorously working to expand the number of positions available for inclusion in the pool of transitional work slots. Early intervention involves medical case management with two nurse case managers assigned full time to review and recommend treatment plans, provide telephone case management, coordinate with staff on case strategy and direction, and coordinate transitional work. MUNI previously attempted a modified version of this approach and learned from the experience that a dedicated full-time case manager working on site was the way to have a measurable impact in the short term. Funds are available to hire two additional adjusters and help reduce the caseloads from the current 200 per adjuster to not more than 150 per adjuster. At this time, MUNI has sent a work order to DHR Workers Compensation Division (WCD) for purposes of this project and WCD is actively engaged in the hiring process. Additional funds also are available to accelerate special investigations as a deterrent to the filing of fraudulent claims.

Recommendation 19: Workers' Compensation Should Be Made a Priority

The Mayor and department heads should make addressing abuse of the inefficient and costly Workers' Compensation and Disability system a priority in negotiating future contracts.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission agrees with this recommendation but defers to the Department of Human Resources for comments.

Department of Human Resources October 20, 1998

There has been progress in this area. Under the old process, when employees incurred work-related injury or illness and received Temporary Disability (Workers' Compensation) benefits, they were permitted to supplement their indemnity benefits (currently up to a maximum of \$980.00 biweekly) with Workers' Compensation

Supplementation (commonly know as the "Shadow Sick Leave Account"). The amount of workers' Compensation Supplementation available to an injured worker was equal to the amount of sick pay the employee had accrued at the time of injury. However, their sick leave pay balance was not reduced while they received Workers' Compensation Supplementation and the actual sick pay balances continued to accrue at the rate of four hours per pay period while the injured worker was on disability leave and receiving indemnity benefits.

Temporarily disabled employees would actually receive a financial windfall by staying at home and collecting indemnity benefits in addition to Workers' Compensation Supplementation because indemnity benefits are tax-exempt. Therefore, an injured worker's "take-home" pay would be greater than his or her normal take-home pay. This reverse financial incentive had the potential of encouraging some employees to file questionable claims and to stay off from work on disability as long as possible.

The City's proposal follows the rationale that injured workers should not receive more money on disability than while working. The proposal allows injured workers to supplement to their "normal" salary, drawing from their actual accrued sick pay balance. By reducing employees' sick pay balances, the supplementation is no longer a free benefit to employees and, therefore, it does not encourage employees to remain on disability longer than is medically necessary. This proposal has been negotiated in all but four contracts: SEIU, Local 790; Professional and Technical engineers, Local 21; Stationary Engineers, Local 39; and Laborers' Local 216. We will recommend elimination of the "shadow accounts" in the next round of negotiations. Supplemental disability pay for public safety employees is dictated by Section 4850 of the State Labor Code; for teachers, it is governed by the State Education Code. Disability pay (full salary) for police and firefighters includes pay for cumulative trauma, a condition resulting over time and not as the result of a specific injury. These items can not be negotiated in a City contract.

Finding: Inadequate Monitoring of Claimants

Most citywide and departmental efforts are directed toward monitoring claimants after injuries have occurred, and those efforts are still inadequate.

Responses to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission is unable to comment on this finding and defers to the Department of Human Resources for comment.

Department of Human Resources October 20, 1998

DHR agrees with this finding. Accordingly, this year's DHR/WCD work plan includes coordination of citywide efforts that focus on vigorous investigation of suspect claims and more proactive return to work efforts.

Recommendation 20: Departments Should Monitor All Personnel on Workers' Compensation or Disability

The Mayor and the Board of Supervisors should direct individual department heads to substantially increase monitoring of all personnel who are out of work on Workers' Compensation or Disability.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission agrees with this recommendation but defers to the Department of Human Resources for comments.

Department of Human Resources October 20, 1998

The DHR agrees with this recommendation and the Mayor has met with department heads, specifically to point out the need for a comprehensive approach to reducing workers compensation costs. The MUNI Triage project and investigative efforts by Police and Fire are examples of how some departments have responded. Additionally, education and training activities for managers and first-level supervisors, such as with the Department of Parking and Traffic, provide further evidence that the Mayor's meeting and message were effective.

Finding: Inadequate Emphasis on Prevention of Workers' Compensation Claims

There is inadequate emphasis on prevention of future Workers' Compensation or Disability claims.

Responses to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission is unable to comment on this finding and defers to the Department of Human Resources for comment.

Department of Human Resources October 20, 1998

DHR agrees with this finding. Accordingly, the DHR/WCD work plan addresses a more assertive role in coordinating citywide injury prevention efforts.

Recommendation 21: Increase Efforts to Prevent On-The-Job Accidents

The Mayor and the Board of Supervisors should direct department heads to increase their efforts to prevent on-the-job accidents.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission agrees with this recommendation but defers to the Department of Human Resources for comments.

Department of Human Resources October 20, 1998

The DHR agrees with this recommendation. Coordination of a citywide prevention program is in the WCD work program for this fiscal year. This includes more focused training and job-specific analyses for targeted results by department, type of job, and type of injury.

Recommendation 22: Implement Plans to Prevent Injuries

Each department should be required to devise and implement department specific plans to prevent on-the-job injuries before they occur.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission agrees with this recommendation but defers to the Department of Human Resources for comments.

Department of Human Resources October 20, 1998

The Airport, MUNI, PUC, DPW, and DPH have safety personnel funded as a normal and on-going part of their operations. These staff members focus almost entirely on injury prevention. Most of the City's smaller departments do not have such positions, although many of them could benefit from the efforts of such personnel - even if available on a limited, short-term basis. We are recommending that key persons from the existing safety staff in these departments be used to form a strike force for deployment in the small departments as appropriate.

MEMORANDUMS OF UNDERSTANDING

Almost all City employees are union members. Union contracts with the City, generally known as Memorandums of Understanding (MOUs), specify overtime and other working conditions. Some contracts provide for flexible work time, such as ten hour/four day shifts, which reduce the need for overtime.

The MUNI MOU limits the number of part-time operator positions. As a result, full time transit operators are guaranteed daily overtime since they are scheduled to cover a ten-hour shift. The MOU also permits excessive unexcused absences, which necessitates a stand-by pool of transit operators and increases overtime expenditures.

Finding: Union Contracts Impede Efficient Operation of City Government

Over the years, union contracts have been negotiated with salary and work rules that impede efficient operation of City government, prevent modernization of operations, and decrease employee responsibility and accountability.

Responses to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission defers comments to the Department of Human Resources.

Department of Human Resources October 20, 1998

DHR partially agrees with this finding. The Employee Relations Division of DHR actively recruits/invites department representation during the negotiation process. However, due to binding arbitration and sometimes the resultant arbitration hearings, the best possible objectives for departments may not be accomplished.

Finding: MOUs Foster and Encourage Overtime

Contract provisions exist in many MOUs that foster and encourage overtime.

Responses to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission defers comments to the Department of Human Resources.

Department of Human Resources October 20, 1998

DHR disagrees with this finding. Contract provisions that provide compensation for overtime are negotiated between the city and the respective unions and are subsequently approved by the Board. Departments must implement and monitor these provisions to ensure that they are not abused.

Finding: Senior Managers Are Not Part of the City's MOU Negotiating Team

In a number of departments, representatives of senior management are not routinely part of the City's MOU negotiating team. Professional negotiators cannot effectively represent the best interests of the City and its taxpayers without the direct input of department

management. If not involved during the negotiating process, department managers may not feel accountable for the resulting MOUs.

Responses to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission defers comments to the Department of Human Resources.

Department of Human Resources October 20, 1998

DHR disagrees with this finding. Department representatives have been routinely encouraged to participate and have been utilized in negotiation sessions.

Finding: Senior Managers' Affiliations with Unions May Have an Effect on Negotiations

Many senior department managers are former, or current, members of the same union that represents rank and file department employees and may have a personal interest in the final negotiated MOU.

Responses to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission defers comments to the Department of Human Resources.

Department of Human Resources October 20, 1998

DHR disagrees with this finding. See response to recommendation #23.

Recommendation 23: Managers Should Be Independent of Unions When Representing the City on a Negotiating Team

A manager who is a union member with a personal interest in the final provisions of the MOU covering that union should not be a member of the negotiating team representing the City and County of San Francisco.

Responses to Recommendation

Civil Service Commission October 20, 1998

Civil Service Commission agrees with this recommendation but defers comment to the Department of Human Resources.

Department of Human Resources October 20, 1998

Employees who are currently employed in a class represented by a particular union are not members of the city's bargaining team for the respective union contract. Employees, who formerly have been employed in a class represented by a particular union often promote to supervisory and management level positions, and may possess extensive and invaluable knowledge concerning the working conditions associated with a particular work site or job class. In such a case, these employees may be involved in contact bargaining because of their unique expertise.

Recommendation 24: City Negotiation Teams Should Have Department Representatives

The Mayor, the DHR, and department managers should ensure that representation of the City in union contract negotiations reflects a balance of professional negotiators and department representatives.

Responses to Recommendation

Civil Service Commission October 20, 1998

Civil Service Commission agrees with this recommendation but defers comment to the Department of Human Resources.

Department of Human Resources October 20, 1998

Negotiation bargaining teams typically consist of a mix of representation, including personnel from the DHR Employee Relations Division (ERD) and major operating departments. They may also include legal counsel supplied through the City Attorney. In all cases departments are invited to participate in negotiation preparation and execution, but few respond. The non-responsiveness usually results from the extensive time commitments involved in negotiations. A single contract negotiation, including preparation time, may involve 75-100 hours. Preparation and conduct of arbitration

may require an additional 50-100 hours. All of these activities usually occur within a 90-day timeframe.

ERD typically holds at least weekly negotiation briefings with departmental representatives, and representatives of the Mayor's Office and Board of Supervisors to update the status of negotiations, and receive authority for responses to union proposals and modification or introduction of new city proposals. ERD routinely notifies all affected departments of these briefings.

Recommendation 25: Select Negotiators Who Best Represent the City's Interest

Department heads should take an active role in union contract negotiations by selecting negotiators who will best represent the interests of the City and the department.

Response to Recommendation

Civil Service Commission October 20, 1998

Civil Service Commission agrees with this recommendation but defers comment to the Department of Human Resources.

Recommendation 26: The Board of Supervisors Should Review the Mayor's Role in Contract Negotiations with the Police and Fire Departments

The Board of Supervisors should review the role of the Mayor and his staff in Police and Fire Department contract negotiations so that Police and Fire Department negotiations are conducted along lines similar to other departments.

Response to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission defers comment to the Department of Human Resources.

Recommendation 27: Establish a Citizens' Task Force on Labor Contracts

The Mayor and the Board of Supervisors should set up a citizens' task force on labor contracts to review the system for negotiating MOUs and make recommendations for better service to the people of San Francisco. (A recent successful example is the federal advisory task force on making Social Security financially sound.)

Response to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission defers comment to the Department of Human Resources.

Recommendation 28: Negotiate Flexible Work Shifts

The City should continue to negotiate for flexible work shifts, e.g., ten hour/four day shifts and Tuesday through Saturday workweek.

Response to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission defers comment to the Department of Human Resources.

DEPARTMENTAL ISSUES

MUNICIPAL RAILWAY

The Municipal Railway (MUNI) is consistently the largest consumer of overtime expenditures among the City departments. It historically exceeds its overtime budget many times over. Five years ago, the 1992-93 Civil Grand Jury (CGJ) investigating the Municipal Railway reported, "...out-of-control overtime expenditures totaling \$20.5 million in calendar year 1992 (30% of total City overtime cost). A total of 604 transit operators earned more than \$10,000 in overtime pay." The excessive use of overtime continues to date. This fiscal year, 1997-98, overtime expenditures by MUNI will devour approximately 40% of the total city overtime expenditures.

Management contends, and the Office of the Controller agrees, that the above records do not accurately reflect real overtime expenditures since they include amounts that are in reality premiums for extended duty and other working conditions not generally considered overtime. However, such premium payments total only approximately \$2 Million of the total \$25,429,958, and so do not materially affect the conclusions reached here.

Despite the department's historic record and a reasonable expectation of overtime that is built into the system, the department has chronically underestimated its budget and overspent its payroll for overtime pay.

Finding: The Overtime Budget Does Not Reflect Actual Expenditures

The MUNI overtime budget bears no resemblance to the actual expenditure for overtime.

Response to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission is unable to comment on this finding and defers comment to the Municipal Railway.

Recommendation 29: MUNI Overtime Should Be Budgeted Realistically

MUNI management, the Mayor's Office and the Board of Supervisors should budget overtime realistically in keeping with reasonable expectations of actual need based on past experience.

Response to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission agrees with this recommendation but defers response to the Mayor's Office, the Board of Supervisors and MUNI management.

Finding: It Is Difficult to Evaluate the True Overtime Costs of MUNI

Without accurate, separate tabulations of actual overtime expenses and salary premiums, it is difficult to evaluate the true overtime costs of the Municipal Railway.

Responses to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission is unable to comment on this finding.

Recommendation 30: The Overtime Reporting System Should Be Modified

The overtime reporting system should be modified as quickly as possible to reflect separate tabulations for overtime, shown against budgeted overtime, and salary premiums, shown against budgeted premium amounts.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission is not able to comment on this recommendation and defers to the Mayor's Office, Board of Supervisors, and Controller's Office.

Controller's Office August 12, 1999

The Controller's Office concurs that the previous procedures for reporting Muni overtime was not helpful. To correct this, the Controller's Office now separates out the different pay items, such as overtime pay and premium pay, from other driver accounts in the fiscal year 1999-2000 budget.

Finding: Maintenance and Operations Divisions Account for Most of the Overtime

The Maintenance and Operations Divisions of MUNI account for approximately 90% of total MUNI employees and chronic understaffing in the Operations and Maintenance Divisions account for most of the overtime expenditures.

Response to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission is unable to comment on this finding.

Recommendation 31: Provide Funding to Fill Authorized Positions

The Mayor's office and the Board of Supervisors should provide funding in order to permit MUNI to fill all its authorized positions, especially in the Operations and Maintenance Divisions.

Response to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission agrees with this recommendation but defers comments to the Municipal Railway.

Finding: Non-Transit Operator Employees Are Receiving Overtime in Excess of Administrative Code Requirements

Certain non-transit operator employee categories in MUNI, which are covered under Administrative Code Section 18.13, are receiving overtime far in excess of the 16% allowable.

Response to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission is unable to comment on this finding.

Recommendation 32: Monitor the Need of Overtime Among Non-Transit Employees

Management should enforce the provisions of Administrative Code Section 18.13 and strictly monitor the need for overtime among department employees other than transit operators and transit operator supervisors, who are exempt under the provisions of the Code Section.

Response to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission defers comments on this recommendation to Municipal Railway management.

Finding: The Existing MOU Sanctions Unscheduled Absenteeism

The existing MOU sanctions unscheduled absenteeism that contributes to excessive overtime.

Response to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission is unable to comment on this finding.

Recommendation 33: Modify the MOU Rule on Unexcused Failure to Report to Work

Although the present MOU will not expire until June 30, 2000, Muni Management and the Mayor's Office should develop a negotiating package to modify the present liberal rule on unexcused failure to report to work.

Response to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission defers comments on this recommendation to Municipal Railway management.

Finding: The MOU Dictates the Number of Part Time Employees Allowed in MUNI

The number of part time employees allowed in MUNI is dictated by provisions of the existing MOU rather than by the efficient staffing requirements of MUNI.

Response to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission is unable to comment on this finding.

Recommendation 34: Use Part Time Operators and More Flexible Work Shifts

MUNI Management and the Mayor's Office should make the use of part-time operators and greater flexibility in full-time shifts a priority in future contract negotiations.

Response to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission defers comments on this recommendation to Municipal Railway management.

Finding: Hiring Rates Are Not Adequate to Keep Pace With Normal Attrition.

In the Operations Division, and elsewhere within MUNI, hiring rates are not adequate to keep pace with normal attrition.

Response to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission is unable to comment on this finding. However, the Civil Service Commission is available to assist in any way possible within its jurisdiction.

Finding: Provisional Hiring Requirements Impede Hiring

Cumbersome Civil Service and provisional hiring requirements hamstring timely and efficient hiring of MUNI personnel.

Responses to Finding

Civil Service Commission October 20, 1998

The policy of the Civil Service Commission is to discourage the duplicative provisional hiring process. The Civil Service Commission Executive Officer is consulting with the Department of Public Transportation Human Resources Director on areas in the Civil Service Commission Rules that may be streamlined to assist in the hiring process.

Department of Human Resources October 20, 1998

DHR partially agrees with this finding. Provisional processes are not efficient and DHR has consistently advised MUNI management that HR resources should instead be used

to accomplish permanent hiring processes. It is believed that a result of the recent appointment of a new human resource manager at MUNI, hiring processes will be radically improved.

Recommendation 35: The Existing Hiring Procedures Should Be Streamlined

MUNI Management and the Civil Service Commission should work together to streamline the existing hiring procedures including combining similar employment categories.

Response to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission agrees with this recommendation and stands ready and available to work with MUNI Management, the Municipal Railway Human Resources Department and the Department of Human Resources. The newly hired Director of Human Resources, Municipal Railway will be attending the Executive Officer Advisory Committee meeting to address Civil Service Commission Rules, polices and procedures that are problematic. The charge of the committee is to streamline and modernize the city's merit system while maintaining its integrity.

Recommendation 36: MUNI Should Evaluate the Retirement Benefit System

MUNI Retirement System should evaluate whether the "last 12 months" basis for retirement benefits best serves the fiscal needs of the City.

Response to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission is unable to comment to this recommendation.

Finding: MUNI's Current Training Capacity Is Inadequate

MUNI's current training capacity is inadequate both in the annual number of training programs scheduled and in the number of trainer's available to conduct classes, and this results in fewer trained personnel than is required for an efficient operation.

Response to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission is unable to comment on this finding and defers to the Municipal Railway for response.

Recommendation 37: The Training Department Capacity Should Be Enlarged

The Training Department capacity should be enlarged to accommodate more scheduled classes, a larger number of trainers and, consequently, more students, until the available pool of operators is adequate to meet daily needs. The budget for the Training Department should be adjusted to reflect its increased hiring requirements.

Response to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission agrees with this recommendation but defers comment to the Department of Human Resources and Municipal Railway management.

Recommendation 38: Muni Should Have Authority for Hiring Independent of DHR Procedures

To expedite hiring, in-house Human Resources Division of MUNI should have authority independent of DHR procedures.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission agrees that a department as large and complex as MUNI should have its own a decentralized examination and classification programs. However, it appears that despite many efforts by Department of Human Resources staff, MUNI has not signed off on the formal agreement that would allow its Human Resources program more autonomy and independence. Many city departments have formal agreements with the Department of Human Resources that allow greater autonomy and the ability to administer the examination program that is site specific and responsive to the needs of the individual departments. The Civil Service Commission defers further comment to the Department of Human Resources.

Department of Human Resources October 20, 1998

For many years, the Department has had formal agreements with several departments, including Public Health, Human Services, Public Works, Public Utilities, Port and Controller, which provide for the decentralization of examination and classification functions within those departments, subject to general oversight by the Department of Human Resources. A proposed decentralization agreement has been previously submitted to MUNI. With the appointment of the new human resources manager, it is anticipated that the agreement will be implemented. We are committed to streamlining processes wherever possible and find that formal decentralization of classification and examination activities delineating responsibilities is crucial to these efforts.

General Responses

Mayor's Office September 14, 1998

Your report stated that the Municipal Railway (Muni) overtime budget for 1997-98 was \$2.1 million and the department had spent \$25.4 as of May 15, 1998 salaries. These figures are not comparable because the \$2.1 million budget is only for non-driver overtime. The overtime budget for drivers is approximately \$20 million and budgeted within platform (driver) salaries. As a result, your report details overspending of one line-item without reporting the understanding of platform salaries.

In some instances, it is more cost-effective to use overtime than to hire permanent staff. For example, at Muni it makes more sense to run some shifts 10 hours to cover the morning and afternoon commute, rather than run two 8 hour shifts for 16 hours of coverage. Approximately \$12 million of Muni's overtime spending is for this "scheduled use" of platform overtime. The remaining balance of overtime is spent on unscheduled overtime to meet Muni's scheduled routes. Unscheduled overtime represents approximately 7 percent of Muni's transit operations budget and is used to offset the high attrition rate among Muni drivers. To address this spending, the 1998-99 budget includes funds to fill the nearly 200 Muni driver vacancies by May 1999.

Municipal Railway Emilio Cruz, General Manager October 22, 1998

At the time the Grand Jury was preparing its report, I was generous with my time and answered countless questions, as is my duty and in the hope it would help the Grand Jury come to an accurate assessment of the issue. Unfortunately, in my opinion, it did not.

While I agree with some observations in the report - such as the terrible toll the "salary savings" concept has taken on agencies like the Municipal Railway - I, like so many other City department heads, am disheartened to find that the Grand Jury has made gross miscalculations and sloppy misrepresentations with regard to specific facts.

For example, the report stated that the Muni overtime budget for 1997-98 was \$2.1 million and the department had spent \$25.4 million as of May 15. These figures are not comparable because the \$2.1 million budget is only for *non-driver* overtime. The overtime budget for drivers is approximately \$20 million and is budgeted within platform (i.e., driver) salaries.

It's unfortunate that the Civil Grand Jury reported erroneous information, especially because that information was then picked up by the press and (mis-)used for certain political agendas, such as when Senator Quentin Kopp used the overtime report as an attack on Muni at a recent townhall meeting.

I do not think it would be beneficial for anyone involved to publicly dispute these matters and allow the media to continue to portray our respective agencies at odds with each other.

FIRE DEPARTMENT

For the fiscal year 1997-98, the San Francisco Fire Department (SFFD) is mandated to adequately staff 41 fire stations 24 hours per day, 7 days a week, with a staffing level of 296. In its response to the 1997-98 Grand Jury questionnaire on overtime, the SFFD stated that it began the 1996-97 fiscal year with 61 vacancies and a projected attrition rate of 3% or 45 full time equivalent positions.

The Fire Department operated under a Consent Decree for some years. The Fire Department maintained that the Consent Decree hindered hiring. The stipulated Order Terminating the Consent Decree is now in place with a schedule to add 96 new fire fighters into the fire suppression ranks. The SFFD now states that with the graduation of all currently scheduled classes for new fire fighters, the Department will be closer to full staffing and the need for overtime will be greatly reduced.

After it was disclosed that the SFFD had spent its entire annual overtime budget in the first three months of fiscal year 1997-98, the SFFD prepared an Action Plan to Reduce Overtime Costs, dated October 24, 1997. The Action Plan was presented to the Board of Supervisors as a condition of obtaining supplemental funding.

A major emphasis in the Action Plan was on greater accountability and oversight of disability policies. Efforts to monitor those individuals who are out on workers'

compensation or disability were to be increased and the City Department verification unit would be utilized for that purpose. In addition, there would be greater use of a return to work policy through light duty assignments.

Finding: Unrealistic Fire Department Overtime Budget Requests

Annual SFFD overtime budget requests are unrealistic and do not reflect anticipated and expected overtime expenditures. Because of historical under-staffing, unspent permanent budgeted salaries have provided one source of revenue to cover excessive overtime costs. With anticipated full staffing in the near term, this source of funds will no longer be available. Without realistic budgeting and funding, additional supplemental appropriations will be required to cover excess overtime costs.

Responses to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission is unable to comment on this finding and defers to the San Francisco Fire Department for comment.

Fire Department October 22, 1998

The Fire Department concurs with the conclusions of the Civil Grand Jury. Historically, overtime budget appropriations have not adequately reflected anticipated overtime expenditures for the Department. With the scheduling of recruit classes to increase the staffing levels for H2 Firefighters the savings generated by unspent uniform salaries is no longer available to be used to offset the overtime costs experienced by the Department. Additionally, with the addition of the Emergency Medical Services, which have been transferred to the Fire Department from the Department of Public Health, the Fire Department is experiencing even greater overtime costs associated with providing these essential services. During the process of formulating the FY 1999-2000 budget, it is the Department's intention to take a more proactive and realistic approach to the budget request for overtime costs, which are driven by minimum staffing levels stipulated in the Memoranda of Understanding currently in effect.

Recommendation 39: Establish a Realistic Overtime Budget

The Mayor, the Board of Supervisors and the SFFD should establish an overtime budget that reflects reality and adequately fund that budget. There should not be reliance on so-called "salary savings" to cover excess overtime costs.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission is unable to comment on this issue and defers to the Fire Department, the Office of the Mayor and the Board of Supervisors.

Fire Department October 22, 1998

Under the direction of the new Chief Financial Officer, and through discussions with the Mayor's budget staff, the Fire Department is in the process of adequately staffing all departmental functions and more accurately assessing the need for overtime funding. Within the context of the FY 1999-2000 budget process, the Department will address overtime, the impact of full staffing on salary savings and the true cost of operating all of the divisions of the Fire Department.

Fire Department May 26, 1999

For FY 1999-00 the Fire Department has requested \$2.5 million funding for overtime for Operations based on the replacement of approximately 80 current members of the Department and an average daily absentee rate of 12 personnel. This has been accomplished by scheduling 3 recruit classes for FY 1999-00 that will begin in mid to late November 1999. A second class is scheduled to begin in January 2000, and a third class to begin in March 2000. Based on the anticipated start dates, all three classes of recruits will be ready for service in the field by June 2000.

Finding: Overtime in Certain Support Areas Appears Questionable

The need for overtime costs in certain support areas appears questionable. Payroll clerks, for example, should be able to accomplish their job descriptions during regularly scheduled base-salary workweeks.

Responses to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission is unable to comment on this finding and defers to the San Francisco Fire Department for comment.

Fire Department October 22, 1998

The Fire Department concurs with the conclusions of the Civil Grand Jury. In an effort to reduce the amount of overtime used by all Fire Department staff, the new Chief Financial Officer has actively initiated plans to adequately staff the payroll and personnel functions in the Fire Department and curtail the use of overtime in this section.

Presently, each payroll clerk is responsible for processing approximately 600 employees. This is three times the number of employees processed by personnel clerks in departments with like field operations and salary premiums. Additionally, the Department is implementing greater controls over the use of overtime by requiring all employees in payroll and accounting to specifically request overtime in excess of five hours per pay period and have such overtime requests approved by the employee's immediate supervisor and the Chief Financial Officer. Again, with the appropriate number of payroll clerks, the overtime in payroll should decrease greatly and eventually disappear.

Finding: The Fire Department's Action Plan Needs to Address Other Issues

With regard to the SFFD Action Plan to Reduce Overtime Costs, dated October 24, 1997, there is inadequate emphasis on prevention of future injuries to reduce workers' compensation and disability claims. Also, departmental vacation scheduling practice is not cost-effective, and the Action Plan did not address any plan to review staffing levels of any non-suppression section to determine optimum or adequate levels. It did not address any emphasis on hiring to fill vacancies in other than suppression areas, nor any plan for oversight in those areas.

Responses to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission defers comments to the Fire Department and Department of Human Resources.

Fire Department October 22, 1998

The Department concurs that in the original plan conceived to address the use of overtime, the focus was on suppression. This was due to the percentage of overtime costs historically attributed to suppression activities. However, as previously noted, the Department is continuing to address overtime on a Department-wide basis. The Department has also convened a task force to address the overtime issues on a Department-wide basis. Included in the review of the Department's use of overtime is an analysis of the reasons such overtime is being generated.

The Department currently has in place a policy to not grant unscheduled vacation until the overtime situation is under control. The Department carefully evaluates the granting of leave days which would cause the Department to hire firefighters, on the off days, to achieve minimum staffing requirements. Additionally, the Department is in the process of refining its policies on light and modified duty to affect the duration of such assignments thereby returning employees to work on a more timely basis.

As also noted above, the Department is in the process of reorganizing administrative functions in order to more appropriately staff such administrative functions and provide the required management oversight to make sure those functions operate efficiently and with minimal use of overtime.

Recommendation 40: The Fire Department Should Aggressively Reduce Overtime Costs

With respect to the SFFD Action Plan to Reduce Overtime Costs, dated October 24, 1997, the SFFD should aggressively and immediately implement those actions outlined in the SFFD Action Plan to Reduce Overtime Costs. The SFFD should, in addition, initiate a comprehensive plan to reduce and prevent future injuries.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission defers comment on this issue to the Fire Department.

Fire Department October 22, 1998

As stated in the body of this response, the Department has begun to implement measures that will reduce the use of overtime in the suppression ranks, outlined in the October 24, 1997 Action Plan. Additionally, the Department has begun to take a comprehensive review of workers' compensation and the assignment of employees to light and modified duty positions. We will review the feasibility of engaging in a safety audit conducted by an outside party and critically review the existing programs and requirements, established to assess the physical conditioning of all uniformed personnel who are required to work in the field.

Fire Department May 26, 1999

The Department has maintained and enhanced the programs outlined in the SFFD Action Plan to Reduce Overtime Costs.

- A Nurse Practitioner has been hired to assist the Department Physician to monitor
 the members on Disability Leave (DP) and Worker's Compensation (WC). This
 monitoring process involves reviewing the member's medical files, reviewing cases
 with the worker's Compensation Division, and contacting the member's treating
 physician. The physician also has to advise of the availability of modified duty,
 conduct a physical exam if warranted, and make assignment to modified duty, if
 indicated.
- The Department maintains an active modified duty program. The SFFD desires to return members to productive duty from SP or DP/WC while they are convalescing from injuries or medical conditions that are of a temporary nature. Modified duty jobs are transitional and assigned to members to allow them to return to work before they are physically capable of performing full duty. Modified duty assignments are made with regard to the restrictions placed upon members by their physicians.
- Department has also established a monthly meeting schedule with the Worker's
 Compensation Supervisor and the adjusters assigned to the SFFD. These meetings
 involve discussion of specific cases and analysis of appropriate action.
 Representatives from the City Attorney's office have participated in these meetings
 to consult on various issues.
- b-1 The Department Physician conducted a thorough analysis to determine location and cause of injuries. This information was presented to the Board of Supervisors Finance Committee.

- b-2 The Department maintains a high level of safety awareness in working conditions and equipment due to the inherent hazardous nature of the work. The Department is mandated by OSHA to maintain a safe working environment both in the station and on the fireground.
- b-3 Members entering the Department must pass a Physical Abilities Test (PAT).

 Physical fitness training is a priority for the recruits at the 4 month Division of Training. During the 1 year field probationary assignment, a physical fitness program is a component of field probationary training. A Health Check program is provided for members on a three year rotating basis.

Recommendation 41: The Fire Department Should Schedule Vacations Evenly

The SFFD should schedule vacations evenly throughout the year to promote cost efficient scheduling of employees and thereby reduce seasonal overtime.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission agrees with this recommendation but defers comment to the Fire Department.

Fire Department October 22, 1998

As previously noted, the Department is in the process of refining the process used to Grant scheduled leave of all types, including vacations, in an effort to minimize the overtime requirements associated to the granting of such leave.

Fire Department May 26, 1999

The Department is maintaining a policy of no use of unscheduled vacation due to fiscal constraint. Assignment of scheduled vacations for the year is done by a computer program that is designed to provide an even distribution of vacation assignments over the period of the year.

Recommendation 42: The Fire Department Should Analyze Overtime for Non-Suppression Staff

The SFFD should analyze non-suppression areas to determine adequate staffing levels and institute oversight of overtime costs.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission agrees with this recommendation but defers comment to the Fire Department.

Fire Department October 22, 1998

As previously noted, the Chief Financial Officer has begun to address the use of overtime Department-wide, including non-suppression activities. Policies regarding the use of overtime by non-suppression staff should be in place no later than July 1, 1999.

Fire Department May 26, 1999

The SFFD in comparison to equivalent sized departments has been understaffed in its administrative structure. This situation became even clearer with the merger of the DPH Paramedics. The Department gained a sizeable work force with complex administrative issues without the personnel office, payroll, or accounting support to accommodate the needs. This issue is being addressed through an administrative reorganization plan.

The Chief Financial Officer has implemented overtime controls for the Payroll Clerks. However, the Department is understaffed in the Payroll Office at this time.

Finding: The Fire Department Ignores Specific Directives From The Board of Supervisors

As long as the Fire Department ignores specific directives from the Board of Supervisors, as in continuing to pay all firefighters overtime for holidays even when they don't work, as was reported in the San Francisco Chronicle on March 5, 1998, there will be no improvement in or curtailing of overtime expenditures.

Responses to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission defers comment to the Fire Department.

Fire Department October 22, 1998

The Department respectfully disagrees that it has ignored the directive from the Board of Supervisors. The receipt of holiday pay for all firefighters, regardless of whether they worked said holiday, was in compliance with the language of the existing Memorandum of Understanding and consistent with past practices. In an effort to address the concerns of the Board of Supervisors concerns, the Department did meet and confer with the Union. Upon reaching an impasse with regard to this issue, the process has moved forward through the legally required steps to arbitration. It is the Department's intention to negotiate this matter, through arbitration, by the end of the current fiscal year. This matter is currently with the Arbitrator.

Recommendation 43: Contract Negotiations Should Consider City Fiscal Needs

The Mayor and all other members of the City's negotiating team should give the fiscal needs of the City the highest priority in developing a concrete and specific list of positions and priorities for future contract negotiations with SFFD employees.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission agrees with this recommendation but defers comment to the Department of Human Resources.

Department of Human Resources October 20, 1998

The city bargaining team typically spend several months in advance of a negotiation reviewing a wide variety of policy, operational and fiscal issues and objectives, and develops a large number of related proposals. Typically, in consultation with the Mayor's Budget Office and the Controller, budget targets are established, which are articulated in a series of specific proposals. All contracts are fully analyzed prior to final action by the Board for fiscal, policy and operational impact and changes. This practice of preparing proposals with full consideration for fiscal objectives is basic to all negotiation planning, and will continue to be included as a central feature of future programs.

Fire Department October 22, 1998

The senior command staff of the Fire Department is totally committed to working with The Mayor and all other members of the City's negotiating team to ensure that the fiscal needs of the City are given priority in the development of staffing plans and requirements and in contract negotiations with San Francisco Fire Department employees. It is our plan to begin, immediately, a reanalyzing of the current memoranda of understanding in preparation for the negotiations which should begin within the next 60 days.

Fire Department May 26, 1999

Contract negotiations with IAFF Local 798 have been completed and the proposed contract is being presented to the membership for ratification. Negotiations were conducted by CCSF Department of Human Resources Employee Relations Division. The issue of holiday pay for firefighters was addressed in this contract.

General Responses

Mayor's Office September 14, 1998

Higher than expected retirements and increased disability pay caused the Fire Department to overspend its overtime budget in 1997-98. To address the retirement issue, we hired larger academy classes in 1997-98. We created a disability abuse crackdown program that reduced disability pay by 36 percent. In addition, the 1998-99 budget includes 41 new firefighter positions that will further reduce the need for overtime

POLICE DEPARTMENT

The Police Department is one of the City departments with high overtime expenditures. With approximately three more payroll periods remaining for FY 1997-1998, the department will again exceed its revised FY 1997-1998 over time budget of \$14,321,352. As of 5/15/98, SFPD has already expended \$15,447,084. That exceeds SFPD's original budget for FY 1997-1998, by 41.04%, and its revised budget by 7.86%. Based on the current rate of expenditures, it can be anticipated that an additional \$671,612 for each remaining payroll period will be expended for a total additional amount of \$2,014,837 – if expenditures remain uniformly constant. These numbers suggest the SFPD will end the

current fiscal year with total overtime expenses of approximately \$17,551,921, which will exceed the revised overtime budget by 22.56%.

The SFPD maintains that one of its major causes of overtime is a result of Proposition 115 that passed in 1989, and mandates that one arresting officer needs to appear in court. Overtime occurs when an officer 'stands-by' for an appearance. The SFPD maintains that 'stand-by' time is excessive and desires more cooperation from the District Attorney and the Courts to expedite scheduling of officer court appearances and thereby reduce police overtime costs.

In addition, overtime occurs because the police department provides crowd control and security for public events such as street fairs and cultural events. Historically, these services have been provided by police officers on an overtime basis and at an overtime pay scale. These events have proliferated over the years and today occur almost every week. It has been the policy that the police department be reimbursed, in full, by the organizers of "for-profit" events. For cultural, or non-profit events, the policy has been to reimburse the police department for a maximum of twenty-five hundred dollars, with the police department absorbing the remaining costs out of its own overtime budget. In addition, the Board of Supervisors has the prerogative to waive even the twenty-five hundred dollar reimbursement if it is determined that the event is in the best cultural interest of the City.

Finding: The Police Department's Overtime Budget Has Not Been Increased Substantially

The Police Departmental overtime budget has not been increased substantially in at least the last three fiscal years, except by mid-year revisions. Meanwhile, police obligations have increased substantially with increasingly numerous special events.

Responses to Finding

Police Department October 8, 1998

The Department concurs with this finding.

Civil Service Commission October 20, 1998

The Civil Service Commission defers comment to the Police Department.

Recommendation 44: Increase the Police Department's Overtime Budget

The police overtime budget should be increased to more accurately reflect the mandated responsibilities of the department that are steadily increasing with time.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission agrees with this recommendation but defers comment to the Police Department.

Police Department October 8, 1998

The Department concurs with this recommendation. We are in the process of reviewing past overtime expenditures in order to develop the FY 1999-00 budget request that provides adequate overtime funding and thus reducing the need to rely on "salary savings". The Department expects to have extensive discussions with the Mayor's Budget Office over the coming months regarding the overtime funding for the coming budget request.

Police Department May 26, 1999

The San Francisco Police Department has been working with the Mayor's budget staff in order to create a budget that provides adequate overtime funding. I want to emphasize that while our Department requests additional budget resources, it is the Mayor and the Board of Supervisors who make the final decision.

Finding: The Police Department Is Entitled to Recover All Its Overtime Costs

The Charter provides that the Police Department is entitled to collect 100% reimbursement for the actual overtime cost of security and traffic control services provided for 'for-profit' special events. However, reimbursement of Police Department overtime costs for special events with general cultural or artistic merit is limited to \$2,500 and the Board of Supervisors can waive even that reimbursement.

Responses to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission defers comment to the Police Department.

Police Department October 8, 1998

The Department concurs with this finding.

Recommendation 45: Reimburse Special Services Overtime Costs

Either the Police Department should be reimbursed for special services that require overtime or the overtime budget should reflect those known costs that will not be reimbursed.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission agrees with this recommendation but defers comment to the Police Department.

Police Department October 8, 1998

On August 26, 1998 the Police Commission passed resolution #77-98 requesting the Mayor and the Board of Supervisors to amend Chapter 2, section 2-70.6 of the San Francisco Administrative Code to allow the Department to recover the full cost of providing police services to street fairs. The Department anticipates that this amendment will be before the Board of Supervisors within the next 60 days. Finally, we will continue to explore ways to improve these cost recovery efforts.

Police Department May 26, 1999

In August the Police Commission passed resolution #77-98, which proposed amending the San Francisco administrative Code to allow the San Francisco Police Department to recover a greater share of the costs for police services provided at street fairs. It is our understanding that the Board of Supervisors has not scheduled this amendment for action. In the meantime the Department has worked to improve the efficiency by which we staff special events. For example, between 1997 and 1998, the total number of

special events increased by 5% while at the same time the average number of staffing hours per event decreased by over 7%. The Department will continue to pursue ways to recoup as much of the cost for staffing these events as is legally permissible.

Finding: The Police Department's Overtime Budget Requests Are Unrealistic

Annual SFPD overtime budget requests are unrealistic and do not reflect anticipated and expected overtime expenditures. Unexpended permanent salaries have provided one source of funds to cover excessive overtime costs. With anticipated full staffing in the near term, this source of funds will no longer be available. Without realistic budgeting and funding, supplemental appropriations will be required in the future to cover excess overtime costs.

Responses to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission defers comment to the Police Department.

Police Department October 8, 1998

The Department does not dispute this finding, but it should be noted that the Department has requested increased overtime funding in its past budget requests and they have been denied.

Recommendation 46: Frequent Exams Should Be Given to Hire More Officers

Adequate personnel resources should be provided for the testing and hiring unit to provide more frequent examinations in order to staff up to the mandated level of 1,971 officers.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission agrees with this recommendation and is available to assist the department in any way possible under its jurisdiction. The Civil Service Commission staff has worked very closely with the staff of the San Francisco Police Department Recruitment and Selection Division, the San Francisco Police Department administrative staff and the staff of the City Attorney's Office to streamline and modernize the Civil Service Commission rules to reflect and to continue the practices

established under the Consent Decree. The Civil Service Commission amended its Rules on September 21,1998. The Consent Decree was terminated on October 2, 1998.

Police Department October 8, 1998

The Department is committed and dedicated to maintaining full staffing. It should be noted that while the hiring process is complex and time consuming, the Department feels that increasing the staffing of the Examination Unit will not speed up the process.

As part of the Department's efforts to meet its obligations under the Consent Decree, the Examination Unit was created as a stand-alone unit, separate from the Staff Services Division. Since examination development involves significant monitoring and feedback by the parties of the Consent Decree, the Department does not feel that increasing the staff of this unit will significantly increase the speed of the hiring process.

The Department is reviewing the staffing of the Backgrounds Unit and may increase the number of officers in this unit once the new Inspectors list is certified. We expect this to take place by the end of October.

Police Department May 26, 1999

With the lifting of the Federal Consent Decree, the Department has gained a significant amount of freedom in the way we hire new police recruits. The Department intends to utilize this freedom by implementing an accelerated hiring plan. Funds for this hiring plan were requested as part of the FY 1999-00 budget. This plan would allow the Department to reach and maintain full staffing, as defined in the Charter, by the end of the fiscal year.

Recommendation 47: Minimize Overtime for Court Appearances

The Chief of Police should continue collaboration with the District Attorney's Office and the Public Defender's Office, as appropriate, to implement a scheduling process for officer court appearances that will minimize those overtime costs associated with court appearances.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission defers comment to the Police Department.

Police Department October 8, 1998

The Department has, and will continue to introduce new and innovative systems to control court overtime costs. Since FY 1992-93 the Department has reduced its court overtime expenditures by over 36%. As part of the preparation of the FY 1999-00 budget the Department will be working with the District Attorney's Office and the Mayor's Budget Office to identify additional opportunities for savings in court overtime costs.

Police Department May 26, 1999

The Department continues to work with the District Attorney's Office and the Trial Courts in search of ways to better schedule required court appearances and thus reducing the impact on the overtime budget.

Recommendation 48: Develop More Flexible Work Schedules

The Chief of Police or his designated representative should negotiate with the police officers' bargaining entity in order to develop some flexibility in work schedules which reduces the requirement for overtime.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission defers comment on this recommendation to the Police Department and the Department of Human Resources.

Police Department October 8, 1998

The Department will continue to work with the Police Officer's Association (POA) in order to revise polices to enhance staffing flexibility and reduce overtime costs. As an example, the Department and the POA agreed to reduce the amount of notice needed prior to changing an officer's work schedule. This contract provision along with others allows for more flexibility in personnel deployment, allowing the Department to use less overtime to respond to unanticipated events. The current MOU expires on June 30th 2001. The Department does not expect that there will be any significant changes made during the life of the current MOU.

Finding: No Limits on Overtime for the Police Department's Uniformed Ranks

Section 18.13 of the San Francisco Administrative Code limits permissible overtime hours a City employee may work in any fiscal year to 16% of the number of hours that the employee is regularly scheduled to work on a straight time basis. This provision is not applicable to the uniformed ranks of the Police Department.

Responses to Finding

Police Department October 8, 1998

The Department concurs with this finding.

Civil Service Commission October 20, 1998

The Civil Service Commission defers comment to the Police Department.

General Response

Mayor's Office September 14, 1998

Your report stated that Police overspent their overtime budget by 23 percent. The figure you quoted includes all payroll that goes through the system. This figure includes overtime paid to off duty San Francisco police officers by firms, such as film companies, who contract for their services. These payments totaled \$3.4 million in 1997-98. These costs are fully reimbursed to the City. We do not budget for these items because the amounts vary from year to year and there is no net cost to the City. As a result, comparing actual pay distributed to budgeted pay can be very misleading if the figures are not adjusted for this discrepancy.

COMMUNITY HEALTH NETWORK (Department of Public Health)

As an acute care facility operating 24 hours per day, seven days a week, San Francisco General Hospital is required to maintain minimum staffing levels that have been determined through staffing models. Laguna Honda and Forensic Services also operate 24 hours per day, seven days a week, and must maintain adequate staffing.

The Department of Public Health, in its response to the 1997-98 Grand Jury questionnaire on overtime, suggests overtime occurs as a result of fluctuations in staffing needs depending on changing patient populations that cannot be anticipated with 100% accuracy, backfilling for absent employees who may be on sick leave, workers' compensation or educational leave, and delays in the City's personnel requisition process and the Department's recruiting and hiring processes that require overtime pending hiring start dates.

As a result, some overtime can be expected and is budgeted for -- to be used as a last resort. Unlike other agencies, the Department of Public Health does not have to rely exclusively on overtime to meet extraordinary staffing requirements. It appears to have more scheduling flexibility than other agencies and is able to use "flexible" scheduling in lieu of overtime. In addition, there is a routine use of "a pool of per diem as-needed nursing staff" to fill vacancies and increase staffing if required by increased patient population.

Finding: Delays in the Hiring Process Contribute to the Need for Overtime

Overtime is anticipated and budgeted for realistically. However, delays in the hiring process to fill budgeted positions contribute to the need for overtime.

Responses to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission cannot comment without further details on the reason for the delay in the hiring process. A departmental human resource representative will be reporting to the Executive Officer's Advisory Committee on Rules and Policy to determine where Civil Service Commission Rules can be streamlined to address the department's needs.

Department of Human Resources October 20, 1998

DHR disagrees with this finding. As indicated earlier, review of HR data reveals that work practices and/or circumstances are the more significant factors in the use of overtime.

Recommendation 49: Delays in Hiring Should Be Addressed

The cumbersome hiring procedures that result in chronic delays in hiring and the budget process that mandates "salary savings" should both be addressed by DPH and modified.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission agrees with this recommendation. The Department of Public Health has had its own Examination and Classification Units for many years. The department has operated with a high degree of independence. However, the Civil Service Commission staff will continue to seek input from the department's Human Resources Director to determine where the Civil Service Commission Rules, policies and procedures can be streamlined.

Department of Human Resources October 20, 1998

We do not have evidence of chronic hiring delays that are attributable to policies and procedures of the Department of Human Resources. The Department of Public Health has a decentralized classification and examination unit that has been in existence for more than twenty years and is empowered to operate at the highest level of autonomy. The staff of the Merit System Services Division has worked closely with this unit to expedite classification of positions to ensure that requisitions are processed rapidly. The Department of Public Health has the authority to define priorities for the unit within very broad City and Charter mandates. Though we attempted to identify the percentage of hiring delays that are attributed to "cumbersome procedures," the Department of Public Health has not identified specific examples.

Department of Public Health June 28, 1999

For the most part, many of the requirements for salary savings and hiring are dictated by regulations of the City and County of San Francisco and are not under the sole jurisdiction and discretion of the Department of Public Health. However, as part of the annual budget process the Department of Public Health together with the Mayor's Office reviewed salary savings and reduced salary savings in those areas in the Department with high salary savings (i.e., SFGH). Similarly, the Department of Public Health, with the assistance of DHR, the Mayor and the Controller has already implemented steps to streamline the requisition and hiring processes.

Finding: Unspent Permanent Salaries Provide the Source to Fund Overtime

Unspent permanent salaries provide the source to fund excess overtime. The circular process goes from a vacant position directly to the need to schedule overtime personnel, to the subsequent need to use these funds to pay the overtime wages.

Response to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission cannot comment without further details on the reason(s) for the delay in the hiring process. A departmental human resource representative will be reporting to the Civil Service Advisory Committee on Rules and Policy to determine where Civil Service Commission Rules can be streamlined to address the department's needs.

Recommendation 50: Adequate Full Time Staffing Will Reduce Overtime Costs

Overtime budgeting should be realistic and every attempt should be made by DPH to maintain adequate full-time staffing levels. Adequate, budgeted full-time permanent staffing will reduce overtime costs to the City and County.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission agrees with this recommendation, but defers comment to the Department of Public Health.

Department of Public Health June 28, 1999

The Department monitors overtime expenditures throughout the year and reports adjustments to the Budget Analyst as required. In the FY99-00 budget process, the Department reviewed and adjusted its overtime and permanent salary accounts to provide for appropriate level of staffing as recommended by the Grand Jury.

SAN FRANCISCO INTERNATIONAL AIRPORT

The San Francisco International Airport operates certain sections on a 24 hour per day, 7 day a week schedule and must maintain certain staffing levels to ensure safety. The Airport suggests overtime can occur as a result of special events, last minute absences, emergencies and chronic understaffing in specific areas such as Airport Communication Dispatchers.

The Airport stated in its response to questions #15 and #16 of the overtime questionnaire that it believed it was not required to submit semi-annual overtime reports to the Board of

Supervisors, as specified in Administrative Code Section 18.13 because the code section exempts "...overtime worked by any employee where the City and County of San Francisco incurs no direct or indirect costs...". The Airport has taken the position that, under Code Section 18.13, costs incurred by the City and County of San Francisco are assumed to mean costs paid from the General Fund and, since the General Fund incurs no costs associated with Airport overtime, no reports are required.

Because this position suggests a lack of adequate external fiscal oversight over the Airport that needs to be addressed and corrected, the Civil Grand Jury contacted the Office of the Controller for confirmation of the Airport position. The opinion of the Office of the Controller is that the Airport is subject to Administrative Code Section 18.13 relative to the submission of overtime reports to the Board of Supervisors.

Even though it asserted immunity from the reporting requirement, the Airport indicated in its response that it does track overtime use. The response stated that "...internal policies do require the Airport Director's approval to exceed the 16% level overtime."

In addition, the Airport provided to the Civil Grand Jury an internal Executive Directive that states "...in accordance with City law, no full-time employee may earn or accumulate more than 332 hours of overtime pay or compensatory time total for the fiscal year. Generally this means an employee may not work more than 221 hours overtime (221 X 1.5 = app. 332) in a fiscal year." In addition, the Directive states that no employee may have more than 240 hours of compensatory time on the books at any time.

An "Attachment B" was included in the Airport responses to the Civil Grand Jury that caused serious concern. It was described as providing overtime information, and set forth specific and total overtime expenditure information for the last three fiscal years. Each line allegedly represented an employee. The report included a column specifying overtime hours worked, as well as total overtime pay received. For 1996-97, there were as many as 38 employees with conspicuous individual overtime excesses highlighted -- in excess of 332 overtime hours. As many as seventeen employees were credited with over 1,000 overtime hours for the year. The highest number of overtime hours reported for one individual was 4,692.25 with a sum total of overtime wages paid to him of \$172,880.09.

Overtime Tracking Reports for 1997-98 were provided for several Airport sections, for fiscal month 2 and fiscal month 3. "Exceeding" overtime earners were identified with excess overtime hours and percentages specified. In the 2 months monitored, 60 individuals were cited as excessive overtime earners. In fact there were 19 individuals with overtime of at least 37% over allowable, and one individual with overtime of 160% over allowable.

Finding: The Airport Does Not Agree It Has a Reporting Requirement

With regard to the overtime reporting obligations of the Airport, under Administrative Code Section 18.13, there is clearly a conflict between the position the Airport has taken and the interpretation of the reporting requirements by the Office of the Controller.

Responses to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission defers comments to the San Francisco International Airport and the Controller's Office.

Recommendation 51: The City Attorney Should Decide Whether the Airport Is Required to Report Overtime

The Board of Supervisors should direct the City Attorney's Office to render a decision regarding the Airport's obligations to report under Administrative Code Section 18.13.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission defers comment to the San Francisco International Airport, the Board of Supervisors and the City Attorney's Office.

San Francisco International Airport September 10, 1998

The Airport already provides reports pertaining to overtime costs to both the Airport Commission and the Board of Supervisors. Whether the Administrative Code applies, the Airport will provide regular semi-annual reports as provided for in Administrative Code Section 18.13 effective with the next reporting date (January 5, 1999).

San Francisco International Airport May 27, 1999

Agree. The Airport has provided and will continue to provide regular semi-annual reports pertaining to overtime costs to both the Airport Commission and the Board of

Supervisors. Pursuant to Administrative Code Section 18.13, the Airport's update on overtime use for fiscal year 1997-98 is attached.⁷

Recommendation 52: The Airport Should File Current and Delinquent Reports

If the City Attorney's Office determines the Airport is required to file reports under Code Section 18.13, the Board of Supervisors should notify the Airport it is subject to the semi annual reporting requirements of Administrative Code 18.13. The Airport should then file both current and delinquent reports within 45 days of said notification.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission defers comment to the San Francisco International Airport, the Board of Supervisors and the City Attorney's Office.

San Francisco International Airport September 10, 1998

The Airport has provided the Board of Supervisors, Airport Commission and the Grand Jury with Overtime reports. Future submissions will be in the format established in the Administrative Code Section 18.13.

San Francisco International Airport May 27, 1999

Agreed. The Airport has provided and will continue to provide the Board of Supervisors, Airport Commission and the Grand Jury with Overtime reports. The attached update is in the format established by Administrative Code Section 18.13.

Recommendation 53: The Code Should Be Amended if There Is No Requirement

If the City Attorney determines the Airport is not obligated to report under the provisions of Administrative Code Section 18.13, the Board of Supervisors should amend the Code Section to include the Airport under its requirements.

⁷ The attachment is not included as part of this report. It may be obtained from the Controller's Audits Division.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission defers comment to the San Francisco International Airport, the Board of Supervisors and the City Attorney's Office.

San Francisco International Airport September 10, 1998

As stated above, the Airport already provides reports concerning overtime usage to the Airport Commission and to the Board of Supervisors. Whether the Administrative Code applies, the Airport will provide reports pursuant to the timeliness and format set forth in the Administrative Code Section 18.13 effective with the next scheduled submission date (January 5, 1999).

San Francisco International Airport May 27, 1999

Pursuant to the provisions of Administrative Code Section 18.13, the Airport has provided and will continue to provide reports concerning overtime usage to the Airport Commission and to the Board of Supervisors. These reports will conform with the timelines and format set forth in Code Section 18.13.

Finding: The Airport Used Unexpended Salaries to Pay for Overtime Costs

Although the Airport greatly exceeded its overtime budget in 1996-97, it did not seek an additional budget appropriation as funds were used from unexpended salaries of vacant positions in the budget.

Response to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission defers comments to the San Francisco International Airport and the Controller's Office.

Recommendation 54: The Airport Should Develop a Plan to Fill Vacancies

The Airport Director should review staffing requirements to determine realistic optimum levels. The Airport should develop a plan to fill budgeted vacancies and implement aggressive hiring procedures to fill budgeted vacancies rather than relying on overtime paid from "salary savings."

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission agrees with this recommendation and stands ready and available to assist in any way under its jurisdiction.

San Francisco International Airport September 10, 1998

Agree. The Airport Director continues to do this on a regular basis. The Airport Director personally reviews the annual budget submission, and requires staff to submit information as to staffing adequacy. The Airport has already developed a plan to fill budgeted vacancies. The Airport will be working with the Department of Human Resources to implement hiring streamlining procedures to speed up the hiring process.

San Francisco International Airport May 27, 1999

Agreed. The Airport continues to do this on a regular basis. The Airport Director continues to personally review the annual budget submission, and requires staff to submit information as to staffing adequacy. The Airport's Department of Human Resources has already developed a Hire Plan for fiscal year 1998-99 to fill budgeted vacancies. The Airport Director has established a Master Plan Advisory Committee comprised of the City's Human Resources Director, the Executive Officer of the Civil Service Commission, and the Controller that meets regularly to review streamlining procedures to speed up the hiring process.

Finding: The Airport Did Not Address Its Plan to Fill Vacant Positions

In its response to the Grand Jury questionnaire, the airport did not address what it might be doing to fill vacant positions, or any difficulties it might be encountering. The only reference to aggressive action to control overtime was: "The Airport is in the process of implementing a compressed work week pilot program which may reduce the need for overtime work."

Response to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission defers comment to the San Francisco International Airport.

Finding: Airport Overtime Is Excessive

Extraordinary individual overtime is excessive. Nowhere in the Airport's response was there any mention of specific actions to address either departmental or individual overtime abuses.

Response to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission defers comment to the San Francisco International Airport.

Recommendation 55: Reduce Overtime Expenditures

The Airport Director should examine all procedures governing the monitoring of overtime accumulation and review and tighten procedures to achieve a permanent reduction in overtime expenditures. Overtime limitations should be enforced.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission defers response to the San Francisco International Airport.

San Francisco International Airport September 10, 1998

Agree. The Airport Director enforces the established procedures and periodically adjusts the procedures. While procedures pertaining to monitoring overtime can always stand review and improvement, the Airport Director does not agree that current overtime expenditures are excessive. Accordingly, a permanent reduction in overtime

may not be a realistic goal, particularly in light of the need to complete the master Plan projects on schedule. As a facility that operates 24 hours, 365 days a year, the Airport requires overtime because of:

- 1. Specific operations problems or issues that arise;
- 2. Peaking of passenger traffic by time of year, and;
- 3. Staff turnover

San Francisco International Airport May 27, 1999

Agree. The Airport Director continues to enforce internal Airport procedures pertaining to the monitoring of overtime. All requests for paid overtime for professional and administrative staff must be reviewed and approved by the Airport Director. However, a permanent reduction in overtime presents somewhat of a dilemma given the urgency in completing Master Plan projects on schedule. As stated in the previous report, the Airport operates 24 hours, 365 days a year, consequently overtime is sometimes required due to:

- 1. Specific operations problems or issues that arise;
- 2. Peaking of passenger traffic by time of year, and;
- 3. Staff turnover

Finding: The Airport Is Operating Without External Oversight of Its Overtime

The airport is currently operating without external oversight of its overtime activities. Certain employees substantially increase their annual base salaries through the accumulation of extraordinary overtime hours and pay.

Response to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission defers comment to the San Francisco International Airport.

Recommendation 56: Monitor Individual Overtime Earners to Reduce Excessive Overtime

The Airport Director should institute procedures to carefully monitor individual overtime earners to significantly reduce excessive individual overtime.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission defers response to the San Francisco International Airport.

San Francisco International Airport September 10, 1998

Agree that the Airport Director should continue to closely monitor overtime. Disagree that there has been excessive overtime use by any individuals at the Airport.

Developing procedures and monitoring individual overtime, with the goal of reducing individual overtime, is not appropriate for all situations. For example, the Airport Communications Section utilizes dispatchers, which are in chronic short supply Bay Area wide. Because of minimum staffing requirements, designed to manage emergency situations, significant amounts of overtime are required. If these needs are not met through voluntary overtime, mandatory overtime is required. In this instance, it is better to encourage and allow for individuals to volunteer for overtime (within safety standards), and thereby relieve the burden on the larger group. The higher the use of mandatory overtime the more disruptive it is to the personal lives of individual employees.

The Airport is implementing novel ways of reducing the staffing crises. However, until that problem is resolved, there will continue to be varying amounts of overtime worked, including significant amounts by some individuals.

The Airport Director already requires each manager to review overtime usage carefully and to assign overtime judiciously. Nevertheless, the Airport Director will review current procedures for authorizing and monitoring overtime, to ensure that overtime is only worked when necessary. This will be accomplished within 60 days.

San Francisco International Airport May 27, 1999

The Airport Director continues to closely monitor overtime. All staff requests for overtime must be forwarded to their respective managers in advance. Airport managers are expected to critically evaluate the business need for overtime and decide accordingly. Requests for paid overtime for Z employees require the expressed written approval of the Airport Director.

The Civil Grand Jury reported the following group of Airport employees as "excessive earners" of overtime:

- Sixty (60) as exceeding the 16% allowable overtime level;
- Nineteen (19) with overtime of at least 37% over the allowable overtime level; and,
- One (1) with overtime of 160% over the allowable level.

Continued efforts to reduce overtime during fiscal year 1998-99 has resulted in the following reductions in the above referenced groups:

- Fifteen (15) Airport employees as exceeding the 16% allowable overtime level, representing a 400% reduction in the number of Airport employees reported by the Civil Grand Jury Report for fiscal year 1997-98;
- Fourteen (14) Airport employees as exceeding at least 37% over the allowable overtime, level, representing a 136% reduction in the number of employees reported by the Civil Grand Jury for fiscal year 1997-98, and;
- Zero (0) Airport employees as exceeding overtime of 160% over allowable, eliminating this category of "excessive overtime earners" reported by the Civil Grand Jury for fiscal year 1997-98.

The Airport continues to disagree that there has been excessive overtime use by any individuals at the Airport. As stated in the Airport's initial response to this recommendation, reducing individual overtime does not make business sense for all situations. One clear example is the Airport Communications Section which utilizes dispatchers. These dispatchers continue to be in chronic short supply Bay Area wide. Due to minimum staffing requirements, designed to manage emergency situations, significant amounts of overtime are required. If these needs are not met through voluntary overtime, mandatory overtime is required.

Nevertheless, the Airport Director will continue to carefully monitor overtime usage and review existing internal procedures for authorizing overtime to ensure that overtime is only worked when needed.

RECREATION AND PARK DEPARTMENT

Overtime costs for the current year and for 1996-97 have significantly exceeded the budget for overtime. In 1995-96, overtime was less than the budgeted amount. Overtime can result from expected and unexpected events. The Department needs to further evaluate the effectiveness of ten hour/four day shifts and weekend shifts (e.g., Tuesday-Saturday and Wednesday- Sunday) and, if necessary, incorporate them into MOUs. The level of overtime reimbursement for 3Com/Candlestick Park needs to be analyzed. The Recreation and Park Department pays overtime for recurring and non-recurring events. Examples of recurring events include pre-event preparations at 3Com/Candlestick Park,

weekend garbage pickups and volunteer programs in Golden Gate Park. Non-recurring events include damage caused by nature such as winter storms or a fire at Sierra Camp Mather. The Giants reimburse a portion of overtime for 3Com/Candlestick Park. Overtime above budgeted amounts was funded through "salary savings" from vacant positions.

Finding: The Department Has Tightened Management Control of Overtime

The Recreation and Park Department has recently tightened management control of overtime by requiring prior written authorization for overtime by the General Manager. Failure to obtain such prior approval may result in disciplinary action.

Response to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission defers comment on this finding to the Recreation and Parks Department.

Recommendation 57: Continue to Require Prior Approval for Overtime

The Recreation and Park Department should continue to require prior approval by the General Manager for overtime.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission agrees with this recommendation. Prior approval is good management practice. The Civil Service Commission defers to the Recreation and Park Department for comment.

Recreation and Park Department September 3, 1998

The Department currently requires prior approval on all overtime. The Department is currently implementing more stringent procedures for overtime approval. First, all overtime must be submitted one week prior to when the actual overtime will be incurred. All overtime must continue to be signed by the General Manager. The supervisor and/or the employee are required to describe why the activity must be performed on an overtime basis, and not during normal working hours. If holiday pay is requested, the employee and/or supervisor must explain why a facility must be

opened during the holiday. The supervisor and/or the employee must also explain why the overtime is needed. Managers will continue to be provided with monthly overtime financial forecasts. One performance measure for managers will be the ability to live within their overtime budget. We will closely monitor the overtime budget, and take necessary steps to ensure that overtime expenditures do not become excessive.

Finding: Union Contracts Sometimes Determine How Overtime Will Be Assigned

Most employees are covered by union contracts (MOUs) that in some cases determine how overtime will be assigned. The option of assigning employees to a ten hour/four day workweek will require renegotiating MOU provisions since not all current contracts provide for straight time shifts of more than eight hours.

Response to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission defers response to the Recreation and Parks Department and the Department of Human Resources.

Finding: Requiring Weekend Shifts Will Alleviate Some Use of Overtime

The Department has not yet evaluated the effectiveness of ten hour/four day shifts. In order to provide weekend gardener coverage, newly hired staff members can be required to work weekend shifts (Tuesday-Saturday or Wednesday-Sunday), which is expected to alleviate some use of overtime.

Response to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission defers comment to the Recreation and Parks Department.

Recommendation 58: Flexible and Weekend Shifts Should Be Evaluated

The effectiveness of ten hour/four day shifts as well as weekend shifts (e.g., Tuesday-Saturday and Wednesday-Sunday) should be evaluated by the Department. If that scheduling is found to be effective in accomplishing the required work and reducing

overtime it should be a priority to seek to include provisions authorizing such scheduling in MOUs.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission agrees with this recommendation but defers comment to the Department of Human Resources and the Recreation and Park Department.

Recreation and Park Department September 3, 1998

The Department is currently evaluating shifts. All newly hired gardeners are required to work Tuesday through Saturday schedules. The Department will also implement a shift-bidding process whereby all the necessary weekend and evening hours will be included as shifts, and based upon seniority, staff will bid on schedules. The Department is also evaluating rotating schedules for new staff hired. These scheduling changes should reduce the amount of overtime incurred.

Finding: The Overtime Report for FY 1996-97 Has Not Been Submitted

The required report to the Board of Supervisors on overtime for 1996-97 has not been submitted. In November 1997, the acting General Manager indicated the report would be submitted shortly.

Response to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission defers comments on this finding to the Recreation and Parks Department.

Recommendation 59: Overtime Reports Should Be Submitted Timely

The Director of the Recreation and Park Department should submit required overtime reports to the Board of Supervisors by the required deadline.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission defers response to the Recreation and Park Department.

Recreation and Park Department September 3, 1998

The Department is currently completing this report, which will be submitted to the Board of Supervisors by September 15, 1998.

Recommendation 60: Evaluate Whether Overtime Costs Are Being Fully Reimbursed at 3Com Park

The Recreation and Park Department should evaluate whether the Giants and Forty Niners are fully reimbursing overtime costs incurred at 3Com/Candlestick Park.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission agrees with this recommendation but defers comment to the Recreation and Park Department.

Recreation and Park Department September 3, 1998

The existing lease agreements do not provide for the Department to receive reimbursement for overtime expenses. The revenues received must be deposited directly into Departmental General Fund revenues and cannot be used to abate overtime costs.

General Responses

Mayor's Office September 14, 1998

Recreation and Park exceeded its overtime budget largely because of unforeseen events such as:

- winter flooding and excessive storm damage, including increased staffing for the emergency shelters for the homeless.
- game/stadium preparations for the San Francisco Forty Niners playoff games.

These expenses are largely offset by FEMA revenues and playoff related revenues. The department did not require any additional General Fund dollars.

PUBLIC UTILITIES COMMISSION: WATER DEPARTMENT

The Public Utilities Commission includes the following three operating groups: Hetch Hetchy Water and Power, San Francisco Water Department, and San Francisco Clean Water Department. Significant overtime expenditures occur only in the Water Department. Overtime for the current and prior years has significantly exceeded the budget for overtime. The Water Department stated that its report to the Board of Supervisors on overtime, as required under Administrative Code Section 18.13, has not been made for the following reason: "The Controller's Accounting System changed from the old FAMIS to the new FAMIS."

Funds budgeted for vacant positions have been used to fund overtime, thus obviating the need to request supplemental appropriations from the Board of Supervisors. The "salary savings" scheme is used to shift base pay allocations to fund overtime without prior approval from the Controller or Board of Supervisors.

The Department needs to fill vacant positions and to implement alternative shift arrangements for ongoing operations and to have crews available to cope with emergencies.

Finding: The PUC Human Resources Staff Reported to Be Under Funded and Under Staffed

The Human Resources staff of the Public Utilities Commission was reported to be underfunded and under-staffed. Difficulties were reported in changing from the salary survey method of setting wage rates to the collective bargaining process which requires negotiating with unions. The existing staff may not have the skills and experiences required for effective representation of the City's interests in collective bargaining.

Responses to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission defers comment to the Department of Human Resources. However, the Civil Service Commission supports adequate staffing, funding, and training of departmental human resource staff and stands ready and available to assist in any way under its jurisdiction.

Water Department October 14, 1998

The Grand Jury found that the PUC Bureau of Personnel and Training does not have sufficient staff to meet the human resources workload of the PUC. In recognition of this problem, the PUC has requested, and received approval for, twelve additional human resources staff positions in the 1998-99 budget. Recruitment has commenced for these new positions. When the positions are filled, the major backlogs in recruitment and hiring which currently contribute to increased use of overtime due to vacant positions in the operating divisions can be addressed.

Recommendation 61: Overtime Budget Should Consider Prior Year's Overtime Experience

Since emergencies occur every year, overtime based upon prior year's experience should be included in the budget. Non-emergency projects should be scheduled for completion during normal working hours.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission concurs with this recommendation but defers comment to the Public Utilities Commission.

Water Department October 14, 1998

Overtime budgets for 1998-99 have been increased to reflect prior year experience with emergencies. Alternate work schedules for non-emergency work are being explored.

Water Department June 1, 1999

See October 14, 1998 response.

Recommendation 62: Consider Alternative Shift Arrangements

The Department should consider additional alternative shift arrangements that cover weekends and evenings, since pollution control problems regularly occur outside the normal work week.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission agrees with this recommendation but defers comment to the Public Utilities Commission.

Water Department October 14, 1998

Weekend and evening shifts are being developed for maintenance crews.

Water Department June 1, 1999

See October 14, 1998 response.

Recommendation 63: Staff Should Be Trained in the New FAMIS System

The Water Department staff should be trained in the new FAMIS system and be able to make the required reports on overtime to the Board of Supervisors.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission is unable to comment on this recommendation and defers comment to the Public Utilities Commission.

Water Department October 14, 1998

Staff has been trained on new FAMIS and new reports on overtime have been developed.

Water Department (PUC) June 1, 1999

See October 14, 1998 response.

Finding: Management Is Not Involved in MOU Negotiations

No representatives of management are involved in union MOU negotiations.

Responses to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission defers comment on this issue to the Department of Human Resources. However, generally departmental managers are represented in negotiations by the department's Personnel Officer.

Department of Human Resources October 20, 1998

DHR agrees with this finding. See response to recommendation 64.

Water Department October 14, 1998

The Grand Jury found that PUC management representatives are not involved in negotiations with the unions which represent PUC employees. Contracts with unions representing City employees are negotiated on a citywide basis. PUC employees covered by Local 38 (Plumbers) and Local 39 (Stationary Engineers) receive most of the PUC overtime expenditures. The contract for Local 38 took effect in 1997 and expires in 2000. The contract for Local 39 took effect on July 1, 1998 and expires in 2001. The PUC human resources staff provided the City's team which negotiated the Local 39 contract with several specific recommendations regarding the use of overtime. The PUC human resources staff is currently developing recommendations for the negotiating team which will meet with Local 38 in 1999.

Recommendation 64: Management Should Be Part of the Negotiating Team

Water Department management should be part of the team negotiating MOUs.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission concurs with this recommendation but defers comment to the Department of Human Resources.

Department of Human Resources October 20, 1998

Management personnel from PUC were invited to participate on negotiating teams for various contracts which included PUC classes. Typically, the PUC Personnel Director and other personnel staff are included or invited to participate on relevant bargaining teams. In fact, the PUC personnel director position was vacant for some period during the most recent (1998) negotiations, and the department was invited to send other representatives. The prior personnel director was actively involved in both negotiations and arbitration of relevant contracts during the 1997 negotiation. It should be noted that, in 1997, no fewer than ten contracts were negotiated which included PUC classes (e.g., Plumbers, Carpenters, Electricians, General Laborer, Local 21, SEIU, Operating Engineers, Sheet Metal Workers, Municipal Executives Association, Unrepresented Employees). With this large number of PUC related contracts, it is unlikely that PUC could or would provide personnel to staff each negotiation table.

Water Department October 14, 1998

PUC management is taking a more active role in MOU negotiations.

Water Department June 1, 1999

See October 14, 1998 response.

Finding: The Department Distorts Accounting for Operations and Capital Projects

Since the Department routinely has capital expenditure construction projects underway it is able to shift some operating overtime expenses to capital expenditures. This can distort the reporting and accounting for operations and capital projects.

Responses to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission is unable to comment on this finding and defers to the Public Utilities Commission.

Water Department October 14, 1998

The Grand Jury found that PUC overtime expenditures are distorted because overtime charges can be shifted from the operating budget to capital projects. In recognition of this situation, the PUC has developed overtime expenditure reports which distinguish between overtime charged to capital projects and overtime charged to operating budgets. These reports are produced and distributed to management on a monthly basis.

Recommendation 65: Operating and Capital Accounts Should Be Audited Regularly

Operating and capital accounts should be audited regularly to prevent shifting of operating overtime expenses to capital accounts.

Responses to Recommendation

Civil Service Commission October 20, 1998

The Civil Service Commission is unable to respond to this recommendation and defers comment to the Public Utilities Commission.

Water Department October 14, 1998

A monthly report has been developed to track overtime expenditures on both operating and capital accounts.

Water Department June 1, 1999

See October 14, 1998 response.

Finding: Approximately 25 Percent of Filtration Plant Positions Are Vacant

Approximately 25% of filtration plant positions are vacant. Therefore, overtime is required to safely operate the facilities. Hiring delays are blamed for these vacancies.

Responses to Finding

Civil Service Commission October 20, 1998

The Civil Service Commission does not have enough information to determine why there are hiring delays but stands ready to assist in any way possible under its jurisdiction. The Civil Service Commission is inviting the Departmental Personnel Officer to the Civil Service Advisory Committee to determine if the Civil Service Commission Rules, policies and procedures can be streamlined to address the department's hiring delays.

Water Department October 14, 1998

The Grand Jury found that overtime is being used at the water treatment and pumping plants to cover for vacant positions. Overtime staffing for these vacant positions is required to safely operate these facilities. The PUC has developed an accelerated hiring program for 1998-99 to fill all vacant positions which are necessary for the safe operation of its facilities.

Recommendation 66: Vacant Positions Should Be Promptly Filled

The Water Department (PUC) should overhaul Human Resources hiring practices so that vacant positions can be promptly filled.

Responses to Recommendation

Mayor's Office September 14, 1998

To reduce future spending on overtime, the 1998-99 budget for the Water Department includes 12 new personnel analysts to ensure that the department is successful in hiring its authorized staff in the coming year. In addition, the department has developed a management reporting system to monitor both capital and operating overtime expenditures.

Civil Service Commission October 20, 1998

The Civil Service Commission agrees that vacant position must be filled promptly. The Civil Service Commission has invited representatives from both the Department of Human Resources and the Public Utilities Commission-Human Resources Division to the Executive Officer Advisory Committee to determine where Civil Service Commission rules, policies and procedures can be streamlined to decrease the time required to fill positions.

Water Department October 14, 1998

The PUC has added staff to its personnel unit and made the filling of vacant positions a high priority.

Water Department June 1, 1999

See October 14, 1998 response.

General Responses

Civil Service Commission May 27, 1999

The Civil Service Commission indicated in its initial response to the 1997-98 Civil Grand Jury Report that the Commission is unable to comment on the findings and recommendations and defers responses to the Board of Supervisors, Department of Human Resources and the Controller's Office. The reason is that the findings and recommendations were not applicable to or under the jurisdiction of the Civil Service Commission.

Mayor's Office September 14, 1998

Summary Response

The Mayor's Office welcomes a thoughtful and in-depth discussion of how the City manages its overtime budget. Unfortunately, your report contained errors and misunderstandings that led to incorrect findings. I would suggest that the Grand Jury allow the Mayor's Office to review a draft copy of a report prior to its release to avoid the distribution of inaccurate information.

An example of this is clearly demonstrated in the reporting of overtime at the Airport. In your report you stated that a single airport employee had earned 4,692 hours in overtime pay. An individual would have to work 19 hours a day for 365 days a year in order to earn this level of overtime. In fact, after researching this information, it was determined that the figure of 4,692 hours was the total hours attributed to 104 airport police officers, not just one employee. Thus, the annual overtime hours average 45 per employee— a much more realistic and acceptable figure.

About 4 percent of our \$1.6 billion 1997-98 personnel budget is spent on overtime. Improving the management of overtime is an important goal of the City's 1998-99 budget. For example, we have added 25 new Muni trainers allowing us to fill the nearly 200 driver vacancies. We also added 43 police officers and 41 firefighters in order to reduce the level of overtime within those departments.

CHAPTER 9 DEPARTMENT OF PARKING AND TRAFFIC

BACKGROUND

Following up on a previous Civil Grand Jury report and the responses to it, the 1997-1998 Civil Grand Jury investigated the Department of Parking and Traffic (DPT). The focus of the review was on City owned and nonprofit owned parking garages. The Civil Grand Jury finds that operators of parking garages are paying the City on contract terms negotiated up to 40 years ago; as to 4 out of 5 nonprofit owned garages, the management continues even though contracts have expired. The Civil Grand Jury also finds that there is no policy or procedure as to when title to a nonprofit owned garage is to pass to the City. The lack of contract discipline opens the City up to charges of favoritism and prejudice.

RESULTS

The Civil Grand Jury made eight recommendations and required responses from the following:

Mayor
Board of Supervisors
Department of Parking and Traffic
Controller
Department of Real Estate
Budget Analyst to the Board of Supervisors

Finding: Some Garages Operate on Terms Negotiated Over 25 Years Ago

The operators of four nonprofit garages manage these garages on a month-to-month basis on terms that were negotiated 29 to 39 years ago. The operator of the fifth nonprofit garage operates on terms negotiated in 1957. The Parking and Traffic Commission recently voted to continue this agreement until July 1, 1999.

Finding: Old Terms Do Not Give the City Modern Operating Practices and Rates

Month-to-month operating agreements on parking garages based on the original terms does not give the City modern operating practices and rates.

Recommendation 1: Contractors Handling Cash Should Have Fidelity Bonds

DPT and the Real Estate Department should take immediate steps to insure that all contractors who handle City cash have required fidelity bonds and insurance.

Responses to Recommendation

Department of Real Estate September 14, 1998

As stated in our letter of December 24, 1997 to the Civil Grand Jury, all required bonds and insurance certificates were in place with the exception of the Fidelity Bond for the Polk-Bush Garage as well as the Fidelity Bond for the Vallejo Street Garage. These Fidelity Bonds were secured and copies of it were forwarded by fax to the Civil Grand Jury on February 11, 1998. It is my understanding that Department of Parking and Traffic will provide a response pertaining to the five non-profit garages.

Department of Real Estate May 25, 1999

We continue to monitor and update bonds and insurance certificates as appropriate.

Department of Parking and Traffic June 1, 1999

The Real Estate Department continues to monitor and update bonds and insurance certificates as appropriate.

Recommendation 2: Establish a Monitoring System to Identify Expired Insurance

A monitoring system should be established by both DPT and the Real Estate Department to take appropriate action when such insurance (fidelity bond) expires.

Responses to Recommendation

Department of Real Estate September 14, 1998

The Real Estate Department is modifying its computerized tickler program to provide notice of non-renewed insurance policies and bonds 30 days prior to the expiration of all required insurance policies and bonds. We have attached an excerpt from our current Management Agreement (Section 13, Indemnification), which details the procedures in the event any required insurance or Fidelity Bond is canceled or not renewed. (The attachment is not included as part of this report. It may be obtained from

the Department of Real Estate). It is our understanding that the Department of Parking and Traffic will provide a response pertaining to the five non-profit garages.

Department Of Real Estate May 25, 1999

This function has been centralized by having one staff member monitor compliance with the insurance and bond requirements.

Department of Parking and Traffic June 1, 1999

This function has been centralized by having Real Estate Department staff member monitor compliance with the insurance and bond requirements.

Finding: The City Failed to Obtain Competitive Bids

The failure to obtain competitive bids at the time agreements expire does not give the City the best possible returns.

Recommendation 3: DPT Should Obtain Competitive Bids to Operate Each Garage

DPT and the Real Estate Department should immediately obtain competitive bids for the operation of each garage. If staffing is not adequate to do this within a 90-day period, the Mayor should hire consultants (or independent contractors) to assist the departments to take this action.

Responses to Recommendation

Department Of Real Estate September 14, 1998

At the present time, six leases/Management Agreements have expired and were extended on a month to month basis. The status of these six is discussed below:

<u>Polk-Bush Garage</u>: Bid documents are in the process of being prepared and will be presented for a hearing before the Parking Authority Commission on October 6, 1998. At the completion of the bid process, the results will be considered by the Parking Authority Commission, and the new Management Agreement should commence on or about January 1, 1999.

<u>Mission-Bartlett Garage</u>: Department of Parking & Traffic has deferred the bid process until their Commission has an opportunity to consider legislation which would amend (streamline) the bid process spelled out in Section 17.11 of the Administrative Code.

<u>Union Square Garage</u>: DPT is negotiating a lease agreement with the Uptown Parking Corporation, the non-profit corporation that manages the Sutter-Stockton Garage, to take over management of Union Square Garage and subsequently issue \$15M in bonds to renovate the garage and plaza area. It is believed that negotiations on the lease agreement will be completed before the end of the 1998 calendar year with renovation work to commence in February 1999 and be completed in November 1999.

<u>Golden Gateway Garage</u>: Consideration is being given to a proposal that may result in a long-term lease of this facility. Advertising for operation of this garage will be held until such time as this proposal is finalized.

<u>Vallejo St. Garage</u>: DPT desires to have this garage together with the new North Beach Garage, managed by the same operator. Dependent upon finalization of funding for the North Beach Garage, construction is estimated to commence during the first quarter of 1999. Construction should take approximately twelve months during which time the Management Agreement will be advertised, bid, and awarded.

<u>Civic Center Garage</u>: It is anticipated that a bond measure to improve the Civic Center Plaza Historic District may be placed on the ballot for the June '99 or November '99 election. In anticipation of such a bond measure, the current operator, AMPCO System Parking, has been asked to continue their operation on a month to month basis through December 1999.

Department Of Real Estate May 25, 1999

As last reported in mid-September 1998, there were six leases/Management Agreements that had expired and were extended on a month to month basis. Since then the contract for the Polk-Bush Garage was bid and awarded, and Union Square Garage is now being operated by Uptown Parking Corporation, one of the non-profit garage corporations.

Since that last report, the Management Agreement for the 1660 Mission St. Garage has expired and been extended on a month to month basis, and the contract for management of San Francisco General Hospital Medical Center Parking System was bid and awarded. The status of these garages is discussed below:

<u>Polk-Bush Garage</u>: Bids were opened on December 14, 1998 and due to a protest over the HRC rating discount, the contract award was not finalized by the Parking Authority until March 2, 1999. The new operator's Management Agreement commenced April 1, 1999.

Mission-Bartlett Garage: The Board of Supervisors approved Ordinance No. 104-99 on April 26, 1999 to shorten the bid process. In keeping with the Parking and Traffic Commission directive to bid out parking contracts utilizing a management agreement format, we planned to proceed with a bid advertisement. However, City Attorney staff informed both departments that the Management Agreements awarded in the garage contracts are personal services contracts and therefore may trigger Proposition J. DPT and Real Estate are working with the City Attorney staff to develop a workable format for award of parking garage contracts.

<u>Union Square Garage</u>: As stated above, Uptown Parking Corporation, the non-profit corporation that operates Sutter-Stockton Garage, is now managing this garage and has entered into a one-year agreement with the prior operator to operate the garage. Prior to expiration of the agreement on April 30, 2000, Uptown Parking Corporation will select a new operator through an RFP process.

Golden Gateway Garage: After review of a long term lease proposal to operate this garage, DPT decided to continue to operate the garage by bidding out a five-year contract. This bid along with the Mission-Bartlett bid are temporarily delayed until the Proposition J issue is resolved.

<u>Vallejo St. Garage</u>: DPT desires to have this garage, together with the new North Beach Garage, managed by the same operator. DPT believes settlement of a lawsuit and sale of the bonds for construction of the North Beach Garage should be completed by September/October 1999 with construction to commence in October. Construction is projected to take twelve months. Award of a new management contract will be in place for operation of both facilities upon completion to the new garage.

<u>Civic Center Garage</u>: As stated in our September 14, 1998 response to you, the contract with Ampco System Parking was extended through December 1999. A contract for a new operator to manage the garage is scheduled to be awarded for a February 1, 2000 commencement. The proposed bond measure for improvement of Civic Center Plaza is under consideration.

1660 Mission St. Garage: The management for this garage expired on March 31, 1999; however, the forthcoming 1660 Mission St. office building expansion project will impact this garage. The current operator will continue on a month to month basis until the construction project forces closure of the garage. A new contract for operation of the garage will be awarded to coincide with the date the garage is fully operational.

S.F. General Hospital Medical Center Parking System: The prior operator of this facility had a Management Agreement for the period July 1, 1996 through June 30, 1998 with two 1-year extensions. DPT believed it best to bring in a new operator prior to the first on-year extension. As a result, a bid opening took place on May 27, 1998 and the Parking Authority Commission awarded a five-year Management Agreement on June 16, 1998 to Pacific Park Management, Inc. effective July 1, 1998.

Department of Parking and Traffic June 1, 1999

Same response as Department of Real Estate.

Recommendation 4: The Controller Should Monitor the Implementation of Recommendations 1 and 2

Because recommendations 1 and 2 above will have a positive effect on City revenue, the Controller should monitor and assist in implementing these recommendations.

Responses to Recommendation

Department Of Parking and Traffic June 1, 1999

As mentioned above, the Real Estate Department has taken control and responsibility to monitor the functions in recommendation 1 and 2.

Controller's Office August 20, 1999

The Controller's Office understands that the Real Estate Department is taking the lead to ensure that garage operators have the required fidelity bonds as well as other required insurance. The Controller's Office will assist the Real Estate Department in any way it can. In addition, the Controller's Office periodically audits the parking garages and includes in the audit plan a check to insure that fidelity bonds and other required insurance are currently maintained.

Finding: DPT Argues that It Does Not Have Enough Staff to Award New Garage Management Contracts

DPT argues that current staff of one contract administrator does not enable it to take all the steps necessary to bid and award new garage management contracts.

Finding: Nonprofit Garages Are Not Required to Competitively Bid Management Agreements

Nonprofit owned garages are not required to competitively bid their management agreements.

Recommendation 5: Nonprofit Garages Should Be Required to Competitively Bid Management Contracts

Nonprofit garage owners should be required to also competitively bid the contracts to manage their garages.

Response to Recommendation

Department of Parking and Traffic October 13, 1998

The Parking Authority Commission agrees with this policy suggestion and has taken decisive action not only to implement this practice but also to adopt it as official policy. Parking Authority Resolution 125-97-PA, dated February 3, 1998 instructs the director of the Parking Authority to facilitate a bidding of the parking garage operator contract for the 5th and Mission Garage by July 1, 1999. This is significant, as it is the first time this particular nonprofit, parking garage contract has been bid in 50 years.

Further, Parking Authority Resolution 109-98-PA, dated February 17, 1998 adopts the official policy and binds the Parking Authority to cause all the non-profit parking corporations under lease with the City to competitively bid their management contracts at least every five years.

Also, in line with this policy of timely competitive bids is the restructuring of the process for awarding garage contracts. As it is currently, the bid and approval process takes at least six months or more from beginning to end. The process is defined in accordance with the procedures specified in Chapter 17, Article II of Part I, Section 17.11 of the San Francisco Municipal Code. The Parking Authority Commission has suggested, by Resolution, to the Board of Supervisors that the process be abbreviated for a quicker disposition of management contracts for City parking garages. This streamlined approach would still allow for a level of oversight required to assure both bodies (the Parking Authority Commission and the Board of Supervisors) of the integrity of the bid process. It is the goal of this department to secure new, current management contracts for all its garages within the next year.

All of these actions taken by the Parking Authority Commission and staff have been for the explicit purpose of creating a higher level of proficiency and soundness to the contract management of City garages.

Recommendation 6: DPT Should Adopt and Implement Bidding Policies for Nonprofit Garages

The Parking and Traffic Commission should adopt policies and procedures as to the City taking title to nonprofit owned garages and proceed to implement these policies and procedures.

Responses to Recommendation

Department of Parking and Traffic October 13, 1998

The Parking Authority is now currently establishing a standard of policy for this situation so that the policy will be consistent to the practices regarding the status of non-profit garages. However, of the five non-profits, Ellis-O'Farrell, 5th and Mission, Sutter Stockton, and Japan Center are all encumbered with bond obligations and thereby hold a committed status as a non-profit entity. The fifth, Portsmouth Square has developed a strong bond to the community and when they have satisfied their bond obligation, the role of the non-profit as a link to the community is a vital one. Other garages such as Civic Center, Golden Gateway, and Union Square did not develop those community associations and functions and were collapsed as soon as their bond debt was discharged. I will soon be developing criteria for these cases as to establishing a role for a non-profit with the community after their debt obligation is satisfied or collapsing the non-profit and terminating their lease with the City. I will be forwarding that suggested criterion to the Parking Authority Commission for their deliberation.

Department of Parking and Traffic June 1, 1999

On February 17, 1998, the Parking Authority Commission approved Resolution No. 109-98-PA that adopted a policy that all non-profit owned garages go out to bid every five years. Currently, staff at the Parking Authority and the City Attorney's Office are assisting several non-profit corporations with their requests for proposals and their management agreements in preparation of bidding. The Parking and Traffic Commission will take action on dissolution of non-profit corporations when the outstanding bonds are fully redeemed. At that time, the Parking and Traffic Commission will determine if dissolution of the non-profit corporation is in the best interest of the City and if so, the Parking and Traffic Commission will take necessary action to take title from said non-profits.

Finding: DPT Claims Electronic Meters Will Reduce Theft and Cost of Repair of Broken Meters

DPT claim that electronic locks on meter heads will reduce theft and cost of repair of broken meter heads.

Recommendation 7: DPT Should Expedite the Installation of Electronic Meters

DPT should expedite the installation of electronic meters. The Controller and the Department should do a cost analysis of early installation to determine if the premium of early installation of electronic meters will be offset by the enhanced revenue from the reduction in meter theft.

Response to Recommendation

Department of Parking and Traffic June 1, 1999

The Department of Parking and Traffic advertised a request for proposal on May 18, 1999 and will receive proposal on July 16, 1999. Early installations of electronic meters at selected neighborhoods have resulted in approximately 45% increase revenues.

Recommendation 8: Recommendations for Notice of Claims Is Discussed in Another Section of the Civil Grand Jury's Report

Appropriate recommendations as to Notice of Claims to Fidelity Bond Insurers is discussed in another section of this report.

General Responses

Mayor's Office October 27, 1998

The Mayor's office agrees with the responses provided by the Department of Real Estate and the Department of Parking & Traffic.

Budget Analyst to the Board of Supervisors August 16, 1999

I note that the Grand Jury's recommendations did not specifically suggest that the Board of Supervisors Budget Analyst take any action regarding City-owned parking garages. However, the Grand Jury was aware of our scheduled performance audit of the Department of Parking and Traffic, including the Parking Authority. This audit commenced in August, 1998 and a report was issued April 22, 1999. Previously, we conducted a performance audit of City-owned parking garages in 1993, a copy of which was provided to the 1997-98 Grand Jury.

Our 1999 Performance Audit of the Department of Parking and Traffic included a section which reported on the status of recommendations made in the 1993 report. This follow-up review recommended additional actions to the DPT. The DPT has concurred with our recommendations and is in the process of implementing them.

CHAPTER 10 DEPARTMENT OF PUBLIC HEALTH

BACKGROUND

The San Francisco Department of Public Health (DPH) has the most employees of any City Department and has the largest fiscal budget of any City department. Changing Welfare to Workfare coupled with the emergence of Health Maintenance Organizations (HMOs) has already affected DPH and promises to dramatically change DPH's future mission and the ways in which DPH accomplishes its tasks. These changes plus the publicly reported criticism of Laguna Honda Hospital and San Francisco General Hospital will result in a multitude of changes to DPH.

RESULTS

The Civil Grand Jury made three recommendations and required responses from the following:

Mayor Board of Supervisors Department of Public Health Controller

Finding: DPH Has Improved Administrative Procedures

DPH has reduced paperwork and redundant processing procedures, developed workload standards for staff, and attempted to standardize the annual contract review and monitoring process.

Finding: DPH Uses Pro Bono Assistance

The department continues its program planning and implementation of managed care using pro bono assistance by individuals from the business and academic communities who have HMO problem solving expertise.

Finding: Public Health Functions Have Been Centralized

All core public health functions have been centralized into one division, which has an increased focus on health prevention and promotion of health prevention activities.

Finding: DPH Has Not Pursued an Independent Audit

DPH has not actively pursued the retention of an independent public accounting firm to audit the entire department.

Recommendation 1: DPH Should Pursue an Independent Audit

The Department of Public Health should pro-actively pursue an audit by an independent public accounting firm of the units of DPH not presently subject to outside audit

Response to Recommendation

Department of Public Health June 28, 1999

In October 1998, the Department of Public Health reported that it is part of the City's annual audit conducted by an outside auditing firm. The City's audit program also includes a separate audit of San Francisco General Hospital and Laguna Honda Hospital. The rest of the Department of Public Health is included in the Citywide General Fund audit. Additionally, DPH programs are audited by the State and Federal agencies in the areas of Medicare, Medi-Cal and Federal CDC and CARE funding. We believe that these audits cover high-risk areas of the Department, and that an additional audit would overlap these efforts. Therefore, the Department does not intend to pursue an additional audit.

However, if an additional audit were required by the Mayor, the Board of Supervisors, and/or Controller, the Department would cooperate and participate in such a review.

Finding: The City Has Not Requested an Entire Audit of DPH

No audit of DPH in its entirety, by an independent public accounting firm, has been requested or authorized by the Mayor or by the Board of Supervisors or by the Controller.

Recommendation 2: An Independent Audit Should Be Required

The Mayor, the Board of Supervisors and the Controller should require an audit by an independent public accounting firm of the parts of DPH not presently subject to outside audit.

Responses to Recommendation

Mayor's Office October 27, 1998

The Mayor's office disagrees with the finding that an audit has not happened at DPH. KPMG performs an annual audit of the department and it is included in the City's annual audit report. Moreover, DPH will be included in this year's four-year audit schedule from the City Controller's office.

Controller's Office August 20, 1999

The Controller's Office agrees with the Mayor's Office and the Department of Public Health (DPH) that DPH is subject to audit at least on an annual basis. The confusion comes from the large and complex way DPH is set up. We currently receive separate audit reports for SF General Hospital and Laguna Honda Hospital since these are considered by accounting rules to be Enterprise Funds. The rest of DPH is included in the audit of the City as a whole since the remaining DPH functions are in what is called the General Fund. As a result, a reader of the City's financial statements cannot go to one column in the financial statements and see all of DPH in one place. However, all DPH functions are audited. In addition to the outside audit, the City has embarked on a four-year performance audit program. As part of this program, we intend to audit DPH.

Finding: DPH's Programs Should Be Evaluated

As DPH is the protector and promoter of the public health, it is essential that all DPH programs be evaluated for cost effectiveness, financial planning and economic soundness.

Finding: KPMG Reviewed Laguna Honda Hospital

KPMG Peat Marwick LLP reviewed Laguna Honda Hospital during 1996-1997 and their comments were reiterated by current federal and state reviews of this hospital. The federal and state review also commented on San Francisco General Hospital.

Recommendation 3: Establish a Task Force to Advise DPH

The Mayor and the Board of Supervisors and DPH should institute a task force with an appropriate range of expertise to make recommendations as to how to alleviate problems and finance all corrective action at San Francisco General Hospital and Laguna Honda Hospital.

Response to Recommendation

Mayor's Office October 27, 1998

We agree with the finding that a task force should make recommendations on how to best alleviate problems at SF General and Laguna Honda Hospital. Our office meets regularly with the Controller and the Department to review finances and other information. I have made health care and the rebuilding of Laguna Honda a top priority of this administration. I have placed a ballot initiative on the November 1998 ballot to seek support for the implementation of a plan to insure 130,000 San Franciscans who do not have health care.

Department of Public Health June 28, 1999

As reported in October 1998, The Department of Public Health and the Controller instituted a financial team to review and monitor the Department's finances. This committee meets monthly. The purpose of the meetings is to identify new revenue sources, areas of financial risk, and to monitor revenues and expenditures. Additionally, the Department of Public Health meets with the Mayor's staff and Controller's staff on a regular basis to discuss other financial issues pertaining to expenditures, audits, financial forecasts and information systems to account for Departmental finances.

If the Mayor and the Board of Supervisors created an additional body to review and recommend actions on DPH financial matters, DPH would willingly cooperate and participate in the task force.

CHAPTER 11 PUBLIC UTILITIES COMMISSION

BACKGROUND

The 1997-1998 Civil Grand Jury followed up on two reports of earlier Civil Grand Juries that investigated the Public Utilities Commission (PUC) and the Clean Water Enterprise (CWE). The PUC manages three separate enterprises: Hetch Hetchy Water, San Francisco Water Department, and CWE, bringing all water utilities under one management. The Civil Grand Jury concludes that long-term planning by the PUC needs to be strengthened. At a cost of \$1,500,000, the Water Supply Master Plan is designed to project system water supplies and demands for San Francisco and its water customers to the year 2020; the plan does not give substantial reassurances as to San Francisco's water quality in view of future higher demands by neighboring water customers or impact of natural disasters.

The Civil Grand Jury found that the PUC general manager had adequately followed up on the majority of the original eleven recommendations of the 1995-1996 Civil Grand Jury report.

RESULTS

The Civil Grand Jury made five recommendations and required responses from the following:

Mayor Board of Supervisors City Attorney Public Utilities Commission Controller

Finding: Focus and Accountability Have Been Enhanced

The PUC is now a comprehensive grouping of water related enterprises, which include the Clean Water Enterprise. Focus and accountability have been enhanced by this organizational change.

Finding: Each Enterprise within PUC Is a Separate Entity

Each enterprise within the PUC is a separate entity with its own accounting for revenues and expenses.

Finding: No Long Term Plan to Improve the City's Aging Sewer Infrastructure

There is no comprehensive long-term plan to improve the City's aging sewer infrastructure.

Recommendation 1: Prepare a Long-term Plan to Repair the City's Sewer Infrastructure

The PUC should prepare a comprehensive and long-term plan of action to repair the City's aging sewer infrastructure.

Response to Recommendation

Public Utilities Commission June 1, 1999

The PUC has developed a strategic plan for the cleanwater enterprise. Included in that plan is a comprehensive assessment of the capital improvement needs of the City's sewer infrastructure including the collection system, the treatment plants and the outfalls. This capital needs assessment provides the basis for the long-range capital improvement program for the City's sewer infrastructure. Some of the funding for this program is in the annual operating budget which supports repair and replacement of sewers and treatment facilities. However, these operating funds are inadequate for the current and projected needs. In order to finance the total program, voter authorization for additional long-term debt will be required.

Recommendation 2: Increase Long Term Planning

The PUC should increase the effort on and budget for long term planning. The Controller should assist in developing this plan.

Responses to Recommendation

Public Utilities Commission June 1, 1999

The PUC has funded and is conducting an integrated water resources master plan for San Francisco. This plan includes water supply needs and resources, recycled water and groundwater use. This plan is part of a comprehensive water supply master plan for the PUC and its suburban customers which includes forecasts through the year 2050.

Controller's Office August 19, 1999

The Controller's Office concurs that the PUC needs a long term plan and we understand the PUC is working on this plan. We periodically have received updates from the PUC on these issues. We would be more than happy to provide additional assistance to the PUC.

Finding: The PUC Is Conducting Annual Audits of Equipment Inventory

As promised in responses to prior Civil Grand Jury recommendations, PUC accounting is in the process of documenting all large purchases and is conducting annual physical audits of equipment inventory.

Finding: The Equipment Inventory Was Allocated Between DPW and Clean Water

During transfer to the PUC, physical assets were reviewed and allocated between DPW and Clean Water. As promised in responses to prior Civil Grand Jury recommendations, PUC documents all large purchases and conducts annual physical audits of equipment inventory.

Finding: Clean Water Is Scheduled to Implement a New Inventory System

Clean Water is scheduled to be the first enterprise in the PUC to implement a new inventory tracking system; the implementation is planned for the fall of 1998. Once the CMMS is installed, the department will be able to track all of its assets, keep maintenance records of all assets and develop a replacement plan for all large assets. Capital assets will be depreciated through the Fixed Asset System.

Finding: Budget for Training Is Cost Effective

Budget instructions generally limit conference attendance to two employees and encourage on-site training. This appears to be cost effective.

Finding: The City Attorney Was Slow in Responding to the Sea Cliff Disaster

There was a slow response by the City Attorney's Office to the Sea Cliff disaster in December 1995. Details are spelled out in the Civil Grand Jury report pertaining to management of City claims.

Recommendation 3: Request the City Attorney to Insure a Timely Approach to Process Emergency Claims

The PUC should request that the City Attorney's Office takes steps to insure that there is a more timely and aggressive approach to reimbursement for all emergency claims.

Responses to Recommendation

City Attorney October 23, 1998

The City Attorney's Office is already taking a timely and aggressive approach to handling claims presented by departments. As set forth below in our response to the Grand Jury's report on claims procedures, we have concluded that the office's response to the claims discussed in the Grand Jury's report was adequate, and that no additional procedures for handling claims are necessary.

City Attorney June 2, 1999

The discussion on management of City claims in our October 23, 1998 response to the Grand Jury's report expressed our disagreement with the Grand Jury's findings concerning this office's actions in response to the Sea Cliff incident. After considering the Grand Jury's report, the City Attorney's Office concluded that our office provided a timely and proper response to the claims arising out of the Sea Cliff incident. The City Attorney's procedure for dealing with incidents of this nature ensures comprehensive protection of the City's interests. These procedures were effective in this office's

handling of the Sea Cliff incident. Accordingly, we concluded that no additional procedures for handling claims were needed, and thus have no additional information concerning these recommendations.

Public Utilities Commission June 1, 1999

The PUC has established a procedure with the City Attorney's Office that insures a timely and aggressive approach to reimbursement for all verified emergency claims.

Finding: Growing Demands for Water Supply

There are growing demands for water supplied by PUC.

Recommendation 4: Realistically Assess Water Quality

In the development of the Water Supply Master Plan, the PUC should be realistic in its assessment that future water quality may deteriorate and assure San Francisco customers that their water quality will not suffer unnecessarily.

Response to Recommendation

Public Utilities Commission June 1, 1999

The integrated water resources master plan now being developed by the PUC for San Francisco is designed to ensure that San Francisco water quality and water supply reliability will not suffer unnecessarily.

Finding: Drought Will Affect Water Supplies Available to the PUC

Given past history, there is a probability of a future drought in Northern California. Any such drought will affect water supplies available to the PUC. This makes long-term planning critical.

Recommendation 5: Prepare a Drought Plan

In the development of the Water Supply Master Plan, the PUC should plan on steps to be taken when the next drought occurs.

Response to Recommendation

Public Utilities Commission June 1, 1999

The integrated water resources master plan, currently being developed by the PUC, and the capital improvement plan of the PUC both focus on steps to improve water supply reliability under drought conditions and projected demands on the PUC water system.

CHAPTER 12 SHERIFF'S DEPARTMENT

BACKGROUND

The 1997-1998 Civil Grand Jury reviewed the recent history of Jail #3. The Jury found that the facility should not continue being occupied by inmates. The need to replace Jail #3 has to be carefully considered. The Civil Grand Jury recommends the appointment of a task force with an appropriate range of expertise to consider the declining total inmate population and the future use of Treasure Island's brig to house prisoners and the affect of these events on the need to replace Jail #3.

RESULTS

The Civil Grand Jury made three recommendations and required responses from the following:

Mayor Board of Supervisors Sheriff

Finding: Voters Rejected Bond Issues to Replace Jail #3

The voters of San Francisco have twice rejected proposals to issue bonds to build a facility to replace Jail #3.

Response to Finding

Sheriff's Office October 26, 1998

Agree.

Recommendation 1: The City Should Evaluate the Need to Replace Jail #3

The Mayor and Board of Supervisors and the Sheriff should immediately appoint a task force with an appropriate range of expertise to evaluate the need to replace Jail #3 at San Bruno. This Task Force should carefully consider the declining inmate population in San Francisco's jails and the forecasts of further reduction in the number of inmates.

Responses to Recommendation

Mayor's Office October 27, 1998

We are currently accepting bids on a new jail and will pursue the project after the bid process is complete.

Sheriff's Office October 26, 1998

This recommendation is predicated on the assumption that jail population is declining and will continue to do so. My lack of confidence in that assumption is included in Appendix C of the report and attached hereto. Jail population has, in fact, increased since the Grand Jury's inquiry.

Sheriff's Office May 28, 1999

Same as prior response

Finding: A Private Development Team Is to Design and Build a New Jail

Because of the physical condition of Jail #3, and the consent decree of July 1997, the City is now taking steps to prepare to enter into an agreement with a private development team to design, build and finance a new jail to replace Jail #3, which new jail will be leased by the City. The Mayor and the Sheriff are complimented for this innovative approach in meeting the requirements of the District Court.

Response to Finding

Sheriff's Office October 26, 1998

Agree, but it should be noted that there is no "consent decree of July 1997."

Finding: Public Interest Groups Question the Need to Replace Jail #3

A number of public interest groups have questioned the need to build a replacement jail because of the declining number of inmates who are incarcerated by the County and the declining number of males aged 15 through 29 who are residents in San Francisco. Males aged 15 through 29 are at the greatest risk of being incarcerated. These public interest

groups suggest that in 1998 the number of such males in the county is 57,173 and that the number will decline to 50,722 by the year 2001 (a decline of 11%).

Responses to Finding

Sheriff's Office October 26, 1998

I agree with the finding that a public interest group has questioned the need to build a replacement jail, but I disagree with the methodology employed and the conclusions reached by that group.

Sheriff's Office January 12, 1998

The contention of the Center on Juvenile and Criminal Justice that County Jail #3 does not need replacement is not responsive to the problems facing the San Francisco jail system for three reasons.

First, and primarily, the goal of the jail replacement project is not to <u>expand</u> jail populations, but to <u>replace</u> a building currently in use, which has been ruled unconstitutional in its physical design and condition. Setting aside the issue of whether San Francisco needs more or less jail space, the fact remains that 400 prisoners are housed in a building that has been adjudged unsafe by a Federal Judge and a host of outside experts.

Secondly, the expected temporary use of the Treasure Island facility with its 140 beds does not address either the housing of the existing jail population at San Bruno (400) or the long term needs of the jail system. I anticipate only interim use of Treasure Island because the City has not finalized plans for permanent development. Of all the ideas being considered, not one of them includes a site for a permanent county jail. Also, while the TI facility offers welcome housing for 140 prisoners, it suffers from an inefficient dorm-style design which is labor intensive to operate and contains only 10 separate cells, thus limiting the type of prisoner that can safely be housed there.

Thirdly, the jail population predictions on which the Center on Juvenile and Criminal Justice base their assertion are unreliable and it is my experience that the methodology used has proved to be a false predictor of population trends.

The CJCJ predictions are based on material contained in a lengthy jail overcrowding study commissioned by the City in 1988 and prepared by the National Council on Crime and Delinquency. In making its jail population predictions, NCCD used the "decline of the population "at risk" methodology. This is called a "disaggregated demographic based model" (page 12 of the NCCD report). The study found that, based on the State Department of Finance projections, the adult population of San Francisco

is projected "to decline over the next 20 years" (page 21). And, that "criminal justice trends are directly related to demographic changes in San Francisco" (page 24). Based on this population projection model, the report concluded:

The average daily population of the San Francisco jail is projected to be 1628 in five years. The best available ten-year projection suggests a jail population of 1566. Twenty years out, the NCCD projection method would forecast an average daily jail population of 1570.

This report was issued in October 1988. Five years later, in 1993, the average daily population was 2140, considerably higher than the NCCD population prediction of 1628. Now, almost ten years later, the jail population is averaging 1791, compared to the "declining demographic" projection of 1570. It is important to note that the apparent decline in jail population is in part attributable to an increase in the availability of jail alternative programs, such as Sheriff's Work Alternative Program (SWAP), electronic home detention and residential drug treatment. These programs produce a savings of approximately 200 jail beds per day, but are suitable only for offenders with no violence history and the proven ability to adhere to the rules and regulations of a structured program.

For these reasons, I believe the CJCJ comments should be taken with a large grain of salt and viewed within the anti-incarceration advocacy perspective for which the Center for Juvenile and Criminal Justice is well known.

Finding: Prison Population Is Highest During the Winter Months

The Sheriff's Department stated that the highest number of prisoners normally occurs during the winter months and submitted historical statistics as to the number of prisoners. These figures from the Sheriff's Department are summarized as follows: Average Daily Prisoners During Winter Months of October, November, December, and January: 1993 – 2,213; 1994 – 1,986; 1995 – 1,932; 1996 – 2,066; 1997 – 1,889.

This represents a five-year decline of 15%.

Response to Finding

Sheriff's Office October 26, 1998

Agree, but it should be noted that 1998 has seen a reversal of this trend and jail population has climbed steadily throughout the spring and summer months. The trend appears to be continuing through autumn.

Finding: Jail #3 Has an Average of 430 to 450 Prisoners

Jail #3 currently has an average of 430 to 450 prisoners. Prior to the Consent Decree, the average number of prisoners in Jail #3 was about 750. The City jail facilities will shortly be increased by using a Treasure Island facility that will accommodate 140 prisoners.

Response to Finding

Sheriff's Office October 26, 1998

At the time the Grand Jury wrote their report, this finding was correct, although again there is a reference to a consent decree that does not exist. The population of County Jail #3 today is 550.

Finding: A New Jail May Not Be Needed

Because of the trend of declining inmates and the increase in facilities, a question is posed as to whether a new facility is needed to house inmates presently in Jail #3.

Response to Finding

Sheriff's Office October 26, 1998

Disagree. I have no reason to believe that there is a trend of declining inmate population. Even if such a trend were to develop, the decrepit conditions at County Jail #3 require that it be replaced with a safe facility of modern design and function. While Treasure Island offers some relief, it is not an adequate replacement for County Jail #3 as it has very few single cells and is not cost efficient to operate. Our permit to operate the Treasure Island brig is for interim use only, until the development plan for Treasure Island is in place.

Finding: Jail #7 Has No Food or Laundry Capability

Jail #7 is the new San Bruno facility and it has no food or laundry capability and relies on those services being provided by Jail #3.

Response to Finding

Sheriff's Office October 26, 1998

Agree.

Recommendation 2: Food and Laundry Services for Jail #7 Should Be Considered

This task force should consider alternatives for food and laundry services for Jail #7.

Responses to Recommendation

Sheriff's Office October 26, 1998

Has been implemented.

Sheriff's Office May 28, 1999

Same as prior response

Finding: The City Is Entering into a Lease to Replace Jail #3

The City is taking preliminary steps to enter into a lease of a facility to replace Jail #3.

Response to Finding

Sheriff's Office October 26, 1998

Agree.

Recommendation 3: The Mayor and the Board Should Be Advised of the Lease Terms

This task force should make its recommendations to the Mayor and the Board of Supervisors prior to the city entering into a rental agreement for the replacement of Jail #3.

Responses to Recommendation

Sheriff's Office October 26, 1998

Has been implemented.

Sheriff's Office May 28, 1999

Same as prior response



CHAPTER 13 TREASURE ISLAND

BACKGROUND

The redevelopment of Treasure Island and Yerba Buena Island for civilian use is a complex, long-term and expensive undertaking. It is subject to government regulation at the city, state and federal levels. The development must satisfy laws and regulations concerning, in part, tidelands, toxic cleanup, seismic safety, local land use, the needs of the homeless and the requirements of the federal Job Corps. It is complicated by competing interests and jurisdictions of the Department of the Navy and the City and County of San Francisco.

The current implementation process has been hampered by concern about the concentration of power, jurisdictional squabbling, political infighting and poor public relations. The 1997-1998 Civil Grand Jury makes recommendations concerning the implementation, governance and oversight of the redevelopment.

RESULTS

The Civil Grand Jury made 33 recommendations and required responses from the following:

Mayor
Board of Supervisors
City Attorney
Treasure Island Development Authority
San Francisco Unified School District
San Francisco Recreation and Park Department
San Francisco Police Department
San Francisco Fire Department
Public Transportation Department

TREASURE ISLAND DEVELOPMENT AUTHORITY

The Treasure Island Development Authority (TIDA) has the power and responsibility to acquire, use, operate, maintain, convert and redevelop Treasure Island (TI) and Yerba Buena Island (YBI) for the public interest, convenience, welfare and benefit of the people of San Francisco. TIDA is a non-profit public benefit corporation. It has a board of

directors appointed by the Mayor of San Francisco. It has no staff of its own. Under an agency agreement with the City and County of San Francisco, the Mayor's Treasure Island Project office staff serves as the staff of TIDA.

Finding: Public Dissatisfaction With the Mayor's Level of Control Over Treasure Island

The passage of Proposition K is a clear indication that the public is dissatisfied with the Mayor's level of control over TI and its development.

Responses to Finding

Mayor's Office October 7, 1998

We disagree because there are no reliable, statistically valid methodologies to ascertain voters' reasoning, or to assign any single, specific reason such as dissatisfaction with the Mayor's level of control over TI and its development, for the outcome of the vote on Proposition K. The Report offers no methodology for making this finding. In addition, a poll conducted on September 21st and 22nd by Mason/Dixon Political Research excerpted in the <u>Chronicle</u> on September 27, 1998 indicates public approval of the Mayor's conversion efforts on Treasure Island.

Proponents of Proposition K used inappropriate tactics in scaring the public into believing that casinos would be developed on Treasure Island. Proponents failed to inform the public that the State Constitution would need to be changed to allow for gambling in the State of California. As an illustration of these campaign tactics, please see Attachment 1, an excerpt of a city-wide mailer funded by Proposition K proponents. 8

Board of Supervisors November 17, 1998

It is difficult to determine what concerns and information voters had when they voted in favor of Proposition K. Nonetheless, the Board of Supervisors adopted Resolution 314-98, which included many of the provisions found in Proposition K and which have now been adopted by TIDA. The adopted provisions include:

 That all TI leases of 10 years or more or with revenues of \$1 million dollars or more be approved by the Board of Supervisors.

⁸ The attachment is not included as part of this report. It may be obtained from the Controller's Audits Division.

- 2. Prior to the transfer of any property on the Island, the TIDA must publicly adopt a resolution (1) declaring its intention to transfer the parcel by lease or otherwise, and (2) approving a competitive solicitation process either by a Request for Proposals or qualification, or by direct, sole source negotiations approved by a super majority vote (4/5) of the Board of Directors of TIDA.
- 3. No gambling or casino operations are to be permitted on TI.
- 4. That all TI leases shall be subject to state and local conflict of interest laws.

The provisions found in Proposition K that were not adopted were: certain conditions established by Proposition H, a request to the State Legislature to repeal State law establishing the TIDA and repeal of existing City laws establishing the TIDA.

Treasure Island Development Authority (Not Dated)

See Mayor's Office Responses.

Recommendation 1: The Board Should Debate Adoption of Proposition K

The Board of Supervisors should openly debate adoption of the provisions of Proposition K.

Responses to Recommendation

Mayor's Office October 7, 1998

This has already occurred. Public discussion and debate of the provisions of Proposition K were held by the Board of Supervisors at public meetings on August 4, 1998 and August 18, 1998 before the Board's Economic Development, Transportation and Technology Committee and at two meetings of the Board of Supervisors. At the August 4th meeting, the Committee devoted three hours to public discussion. At that time, proposed legislation implementing the provisions of Proposition K was defeated in committee and on August 11, 1998 was rejected by the Board of Supervisors. The Board of Supervisors continues to hold meetings and to debate issues related to Proposition K and the oversight of Treasure Island.

City Attorney September 8, 1998

This has already occurred, including August 1998 hearings at the Economic Development and Transportation Committee and the full Board of Supervisors to consider legislation sponsored by Supervisors Ammiano, Yaki, and Yee to implement

the provisions of Proposition K or related to the issues raised in Proposition K. In addition, the Board of Supervisors continues to hold hearings related to the issues raised by Proposition K.

Board of Supervisors November 17, 1998

The Board considered an ordinance on August 10, 1998 (File 98-998), which included all of the provisions found in Proposition K. The measure failed passage.

City Attorney June 2, 1999

Among other things, at the Board's direction, we drafted legislation: (i) implementing many of the provisions of Proposition K; (ii) related to the adoption of Citizens Advisory Committee and (iii) providing for the appointment of three members of the Board of Supervisors to serve as Ex-Officio members of the Authority.

Finding: The Mayor Controls Treasure Island's Development Process

The Treasure Island development process is controlled entirely by the Mayor. The Board of the Authority and the staff all serve at his pleasure.

Responses to Finding

Mayor's Office October 7, 1998

Since this statement is not factually correct, we must strongly disagree. The City Attorney's September 8, 1998 response (page 2)9 specifically lists the oversight over Treasure Island exercised by the Board of Supervisors and other federal, state and local laws. In addition, the conclusion also conflicts with the Civil Grand Jury's own report. Specifically, the opening paragraph of the Report states. "The development [of Treasure Island and Yerba Buena Island] is subject to government regulation at the city, state and federal levels. The development must satisfy laws and regulations concerning, in part, tidelands, toxic cleanup, seismic safety, local land use, the needs of the homeless and requirements of the federal Job Corps." Specifically:

• The annual arid any supplemental budgets for all Treasure Island activities must be approved by the Board of Supervisors ("Board").

See next page for City Attorney's response.

- Appointees to the Treasure Island Development Authority ("Authority") must be confirmed by the Board of Supervisors.
- All leases and contracts longer than 10 years or greater than \$1 million must be approved by the Board.
- The Board of Supervisors has approved the draft Treasure Island Reuse Plan developed over a two-year period by the 22 member Citizens Reuse Committee appointed by then-Mayor Frank Jordan.
- The Board must approve both the Environmental Impact Report and Environmental Impact Statement (EIR/EIS).
- The Board must approve the Treasure Island Redevelopment Plan and any amendments to it.
- The Board of Supervisors has also adopted approximately 12 resolutions in the last two years directly related to the operation and development of Treasure Island.

Federal laws and regulations to which the Authority must adhere include both the Public Trust for Commerce, Navigation and Fisheries and the Treasure Island Conversion Act of 1997. In addition, the San Francisco Planning Department, the Bay Conservation and Development Commission, the federal Environmental Protection Agency and Department of Labor, and the State Lands Commission exercise jurisdiction over various aspects of development on Treasure Island.

City Attorney September 8, 1998

The Board of Supervisors exercises extensive oversight over development on the Base by (i) confirming appointments to the Authority, (ii) approving contracts with terms in excess of 10 years or for 1 Million Dollars or more, (iii) approving and appropriating the annual budget of the Authority, and any supplemental appropriations thereto, (iv) approving the reuse plan and any redevelopment plan for the Base, and any amendments thereto, (v) approving any necessary amendments to the City's General Plan, Planning Code and zoning regulations, and (vi) considering, approving and adopting environmental documents, findings and mitigation measures related to the California Environmental Quality Act ("CEQA"), the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code. The Board of Supervisors has also adopted a number of resolutions directly related to the operation and development of Treasure Island.

In addition to being subject to Board of Supervisors oversight, development on the base is subject to a variety of local, state and federal laws. These include the Public Trust for Commerce, Navigation and Fisheries and the Treasure Island Conversion Act of 1997, which incorporates by reference State laws applicable to redevelopment agencies generally (Section 33000 et. seq. of the California Health and Safety Code). In

addition, the San Francisco Planning Department, Bay Conservation and Development Commission, the State Lands Commission, the Department of Labor, the Environmental Protection Agency and the Department of Defense, among others, have jurisdiction over various aspects of development of the Base.

The Report also states that the members of the Authority's Board of Directors serve at the pleasure of the Mayor. Subject to the Board of Supervisors confirmation rights, we agree.

Board of Supervisors November 17, 1998

This statement does not accurately reflect the complexities of the multi-jurisdictional control over the Treasure Island (T.I.) development process. The development of T.I. and Yerba Buena Island is subject to approvals by a number of government entities, including the Board of Supervisors and the state and federal governments. The draft reuse plan which was adopted by the Board of Supervisors in 1996 will be the basis for future development plans for T.I. The Board of Supervisors must approve leases that are longer than 10 years or that are greater than \$1 million dollars. In addition, T.I. is subject to all city and county land use restrictions, which are established by the Board of Supervisors. Ultimately the Board of Supervisors controls the budget for the activities undertaken by the Treasure Island Development Authority (TIDA).

The Board passed legislation in April of this year, giving itself greater authority over TIDA activities.

State law prevails over the Island through the Tidelands Trust Act (which delineates the types of uses that are allowable on Tidelands Act lands) and the Treasure Island Conversion Act of 1997. The U.S. Environmental Protection Agency will have regulatory approval in certain aspects of the development process.

The TIDA, whose appointees are selected by the Mayor and must be confirmed by the Board, does have some ability to enter into short-term leases, leases of hangars for film studios, leases to develop homeless services, and leases with public agencies without approval by the Board of Supervisors. The Director to the TIDA is appointed by the Mayor, as are most non-elected department heads in the City, pursuant to City Charter.

Finding: TIDA Staff Did Not Provide Information to the Civil Grand Jury

It is sometimes difficult to get information about TI from TIDA (Mayor's TI Project Office) staff, or, in some instances, to even reach a staff member.

Responses to Finding

Mayor's Office October 7, 1998

Again, we strongly disagree. The Grand Jury Report cites no evidence for this finding. The Report's summary states that the Civil Grand Jury "extensively interviewed staff of the Mayor's Treasure Island Project Office." However, Project Office records indicate that aside from the Executive Director, no member of the Grand Jury interviewed Project staff during the period March 31, 1998 through June 5, 1998 (the period the Grand Jury states its investigation was undertaken). Executive Director Annemarie Conroy was contacted by telephone by a single member of the Civil Grand Jury to answer specific questions. This was not an extensive interview. During that conversation, the Executive Director requested an audience with the Civil Grand Jury. Her request was summarily rejected.

Board of Supervisors November 17, 1998

This finding should be adequately addressed by the Mayor's T.I. Project Office.

Finding: The Mayor Has Exclusive Power to Appoint Directors

The Board of Supervisors could have given itself the power to appoint some or all of the Directors of TIDA, but gave that power exclusively to the Mayor.

Responses to Finding

City Attorney September 8, 1998

We partially disagree. The Board could have retained for itself the power to appoint Directors. However, such a practice would be at odds both with the provisions of Charter Section 3.100(17) and applicable State redevelopment law. Section 3.100 (17) of the Charter provides that the Mayor makes appointments to City, Charter-created, Commissions and Boards, subject to the Board of Supervisors' right to reject appointments by a two-thirds vote. Thus, the process for the appointment of Directors to the Authority is in accordance with existing City laws and practices for City commissions. The Authority's process is also in accordance with California Redevelopment Law for Redevelopment Agency commissions. Section 33110 of the California Health and Safety Code provides that the members of a Redevelopment Agency Commission may be appointed by the Mayor, subject to approval by the local legislative body.

Mayor's Office October 7, 1998

We disagree with this finding for several reasons. First, the Board did not give the power to appoint some or all of the Directors of TIDA *exclusively* to the Mayor. The Board approved the establishment of the Authority and its structure in which the City's Director of Planning, Director of the Port, and Director of the Redevelopment Agency are designated members of the Authority. Beyond these designated Authority members, the Board adhered to the City Charter Section 3.100(17) and applicable Redevelopment law in which the Mayor appoints members of other City commissions and for the City's Redevelopment Agency in which the Mayor nominates and the Board approves the appointment of Commissioners. This model quite naturally flows from the concept of separation of powers, in which the legislative branch holds the power of the purse and passes legislation that is implemented by the executive branch.

Board of Supervisors November 17, 1998

The Board established the TIDA in a manner that is consistent with State Redevelopment Law (H&S Code 331 10), the City Charter (Section 3.100) and enabling State legislation AB699 (the Treasure Island Conversion Act), which allowed City officers to serve as TIDA members. While the power to appoint resides with the Mayor, the Board of Supervisors is required to approve all four citizen appointees as of the adoption of Board Resolution 314-98. While the City Charter does not expressly prohibit members of the Board of Supervisors from serving on the Redevelopment Authority, since 1963 State law has directed that the Mayor or Board President appoint Redevelopment Agency Commissioners.

Recommendation 2: The Board of Supervisors Should Appoint the Citizens Advisory Committee

The Citizens Advisory Committee should be appointed by the Board of Supervisors rather than TIDA, and its role clearly defined by the Board.

Responses to Recommendation

Mayor's Office October 7, 1998

We disagree. The reason for appointing a Citizens Advisory Committee for any development project is to provide advice and input from a broad range of community interests at the earliest possible point in the development of public policy. Thus, throughout San Francisco, citizen advisory committees are appointed by the municipal entity responsible for the initial public approvals.

The Project office formulated a draft document listing how recruitment of members would occur and goals and the procedures of the Committee. The draft document was distributed to the public and to the Treasure Island Development Authority at its regular September 16, 1998 meeting. Each member of the Board of Supervisors will be personally contacted and asked to solicit names of prospective members. At its regular October meeting, the Authority will take action on establishing the process for recruitment and selection of the CAC.

Board of Supervisors November 17, 1998

Legislation has been introduced for consideration by the Board of Supervisors which would direct the TIDA to establish a citizens advisory board within 30 days of the effective date of the adopted resolution, to be comprised of 25 persons, 14 of whom would be appointed by the Mayor and 11 of whom would be appointed by the Board of Supervisors. At this point in time, only limited analysis has been done on this proposal.

Recommendation 3: The Citizens Advisory Committee Should Become Well-Versed in the Development Process

Citizens Advisory Committee (CAC) members should represent the diversity of the community, should become well-versed in the complexities of the entire scheme of the development process: its serious seismic, transportation and restrictive use problems. They should have expertise in a range of fields relevant to TI.

Responses to Recommendation

Mayor's Office October 7, 1998

We strongly agree. Attachment 1 is a <u>draft</u> copy of the recruitment, selection and procedure for the Citizens Advisory Committee. 10

Board of Supervisors November 17, 1998

Appointment of committee members that represent the diversity of the community is a long standing policy of the Board of Supervisors and is required by the City Charter. In order to be effective in their advisory role, it would be important for members to be versed in the development process, legal restrictions specific to T.I. and the physical and infrastructure problems that exist. Persons with professional experience in relevant fields would likely add to the overall value of such a committee.

¹⁰ The attachment is not included as part of this report. It may be obtained from the Controller's Audits Division.

Recommendation 4: The Citizens Advisory Committee Should Have Access to the TIDA

The Citizens Advisory Committee should have unfettered access to the Directors and staff of the Authority, to all of their records, and should have unfettered physical access to the islands.

Responses to Recommendation

Mayor's Office October 7, 1998

We agree and plans are underway to implement this recommendation. Once established, the Citizens Advisory Committee will have both formal and informal access to the TIDA Directors and the Mayor's Project Office staff as well as TI records. Similarly, Committee members will be provided access to TI. TI staff will staff committee meetings and make themselves and the Project's studies and other documents available to Committee members.

Board of Supervisors November 17, 1998

The Citizens Advisory Committee should have access to the Directors, staff and records of the TIDA. Such access should not interfere with the staff's ability to maintain the day-to-day operations of T.I. Access to records should follow all procedures as provided in the San Francisco Sunshine Ordinance.

Recommendation 5: The Board of Supervisors Should Consult the Citizens Advisory Committee

The Board of Supervisors and TIDA should consult the Citizens Advisory Committee on matters affecting the public interest.

Responses to Recommendation

Mayor's Office October 7, 1998

We agree and plans are underway to implement this recommendation. The Project office formulated a draft document listing how recruitment of members would occur and goals and the procedures of the Committee. The draft document was distributed to the public and to Treasure Island Development Authority at its regular September 16, 1998 meeting. Each member of the Board of Supervisors will be personally contacted and asked to solicit names of prospective members. The Board of Supervisors will also be apprised of the meetings and actions taken at each CAC meeting. Their participation

will also be encouraged. Once established, the Citizens Advisory Committee will have both formal and informal access to the TIDA Directors and the Mayor's Project Office staff as well as TI records.

Board of Supervisors November 17, 1998

This appears to be a good suggestion for the use of the Committee.

Finding: No Public Oversight of Treasure Island Development Activities

There is no public oversight of TI development activities.

Responses to Finding

Mayor's Office October 7, 1998

We strongly disagree. This statement is not true and conflicts with the Civil Grand Jury's own Report. Specifically, the opening paragraph of the Report states, "The development [of Treasure Island and Yerba Buena Island] is subject to government regulation at the city, state and federal levels. All developments must satisfy laws and regulations concerning, in part, tidelands, toxic cleanup, seismic safety, local land use, the needs of the homeless and requirements of the federal Job Corps." Specifically:

- The annual and any supplemental budgets for all Treasure Island activities must be approved by the Board of Supervisors ("Board").
- Appointees to the Treasure Island Development Authority ("Authority") must be confirmed by the Board of Supervisors.
- All leases and contracts longer than 10 years or greater than \$1 million must be approved by the Board.
- The Board of Supervisors has approved the draft Treasure Island Reuse Plan developed over a two year period by the 22 member Citizens Reuse Committee appointed by then-Mayor Frank Jordan.
- The Board must approve both the Environmental Impact Report and Environmental Impact Statement (EIR/EIS).
- The Board must approve the Treasure Island Redevelopment Plan and any amendments to it.
- The Board of Supervisors has also adopted approximately 12 resolutions in the last two years directly related to the operation and development of Treasure Island.

The Report also states, "TIDA meetings are open to the public, with meeting notices posted in the Main Library (at the Government Information Center reference desk at

the Main Library)." Agendas are also available at the Mayor's Treasure Island Project Office. In accordance with its current Bylaws and applicable legislation, TIDA must conform to both the Brown Act and the Sunshine Ordinance to conduct its business in public. In addition, the Project Office mails agendas to 240 organizations and individuals who have requested notification of TIDA activities.

City Attorney September 8, 1998

As noted above, the Board of Supervisors exercises extensive oversight over development on the Base by (i) confirming appointments to the Authority, (ii) approving contracts with terms in excess of 10 years or for 1 Million Dollars or more, (iii) approving and appropriating the annual budget of the Authority, and any supplemental appropriations thereto, (iv) approving the reuse plan and any redevelopment plan for the Base, and any amendments thereto, (v) approving any necessary amendments to the City's General Plan, Planning Code and zoning regulations and (vi) considering, approving and adopting environmental documents, findings and mitigation measures related to the California Environmental Quality Act ("CEQA"), the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code. The Board of Supervisors has also adopted a number of resolutions directly related to the operation and development of Treasure Island.

As noted above, in addition to being subject to Board of Supervisors oversight, development on the Base is subject to a variety of local, state and federal laws. These include the Public Trust for Commerce, Navigation and Fisheries and the Treasure Island Conversion Act of 1997, which incorporates by reference State laws applicable to redevelopment agencies generally (Section 33000 et. seq. of the California Health and Safety Code). In addition, the San Francisco Planning Department, Bay Conservation and Development Commission, the State Lands Commission, the Department of Labor, the Environmental Protection Agency and the Department of Defense, among others, have jurisdiction over various aspects of development of the Base.

We also note that the Authority is subject to the provisions of both the Brown Act and the Sunshine Ordinance and conducts its business in accordance with these open-meeting and public records laws.

Board of Supervisors November 17, 1998

The Board of Supervisors maintains oversight in several areas of T.I. development, including approval of the annual and supplemental budgets; approval of leases longer than 10 years or greater than \$1 million dollars; approval of the Base Reuse Plan and the T.I. Redevelopment Plan. Meetings of the TIDA are open public meetings with meeting agendas posted pursuant to the Brown Act and the San Francisco Sunshine

Ordinance. The Board will consider legislation to add three members of the Board of Supervisors to the TIDA.

The TIDA adopted a resolution in February 1998 adopting rules and procedures for the creation of a citizens advisory committee. To date that committee has not been appointed. The committee is to be comprised of 25 members who are nominated by the Mayor's T.I. Project staff. The purpose of the committee is to provide recommendations to the TIDA concerning the final reviews and implementation of the base reuse plan, policies and objectives for interim reuses and other matters of importance to the future of T.I. and all citizens of San Francisco. Committee business would be held in public meetings and comply with the Brown Act and the San Francisco Sunshine Ordinance. Implementation of a citizens task force will provide additional oversight and input into the Island's development. The Board will consider legislation to require that 11 of the members to the 'citizens Advisory Committee be appointed by the Board of Supervisors.

Recommendation 6: The Board of Supervisors Should Actively Oversee Treasure Island

The Board of Supervisors should play an active role in the oversight of the plans for Treasure Island, and should take seriously their role, albeit a limited one, in approving and disapproving the Mayor's appointees to TIDA.

Responses to Recommendation

Mayor's Office October 7, 1998

The Board of Supervisors plays an active role over Treasure Island. Specifically:

- The annual and any supplemental budgets for all Treasure Island activities must be approved by the Board of Supervisors ("Board").
- Appointees to the Treasure Island Development Authority ("Authority") must be confirmed by the Board of Supervisors.
- All leases and contracts longer than 10 years or greater than \$1 million must be approved by the Board.
- The Board of Supervisors has approved the draft Treasure Island Reuse Plan developed over a two-year period by the 22 member Citizens Reuse Committee appointed by then-Mayor Frank Jordan.
- The Board must approve both the Environmental Impact Report and Environmental Impact Statement (EIRJEIS).
- The Board must approve the Treasure Island Redevelopment Plan and any amendments to it.

 The Board of Supervisors has also adopted approximately 12 resolutions in the last two years directly related to the operation and development of Treasure Island.

TIDA and the Project Office actively encourage participation by Board members in activities and plans for Treasure Island.

City Attorney September 8, 1998

Although this recommendation principally raises policy issues, we note again that, among other things, the Board of Supervisors is legally required to (i) approve appointments to the Authority, (ii) approve contracts with terms in excess of 10 years or for 1 Million Dollars or more, (iii) approve and appropriate the annual budget of the Authority, and any supplemental appropriations thereto, (iv) approve the reuse plan and any redevelopment plan for The Base, and any amendments thereto, (v) approve any necessary amendments to the City's General Plan, Planning Code and zoning regulations, and (vi) consider, approve and adopt environmental documents, findings and mitigation measures related to the California Environmental Quality Act ("CEQA"), the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code.

Board of Supervisors November 17, 1998

The Board of Supervisors does play an active role in the oversight of the plans for T.I. There have been three hearings held in the past six months regarding the implementation of policies and plans by the TIDA. In addition, the Board has significant authority over the annual budget, certain leases, and the adoption of the reuse plans, approval of environmental impact reports, and approval of development plans. The Board has not yet had an opportunity to consider an appointee to the TIDA but will follow the established Board rules in considering such an appointee.

City Attorney June 2, 1999

We work closely with the Board of Supervisors in connection with the Board's exercise of its extensive oversight powers over Treasure Island and the activities of the Authority.

Finding: The General Public Is Excluded From Treasure Island

Several high profile events have furthered the public perception that access to TI is restricted to those in favor with the Mayor and his staff, to the exclusion of the general public.

Responses to Finding

Mayor's Office October 7, 1998

The Grand Jury Report cites no evidence for this finding and with nearly 100,000 people visiting Treasure Island in the past several months and with the western shoreline of Treasure Island open on the weekends, we must strongly disagree. Although we have had society events attracting media coverage, the majority of events held on the island are small and community-based.

The United States Navy owns Treasure Island and controls access policies. San Francisco is in a caretaker role.

Despite this constraint, we relish the opportunity to list in detail the large numbers of individuals, groups and events which include all sectors of the San Francisco community that have received Navy approval (with facilitation by the City) to host events on TI. In fact, access to Treasure Island has been granted to any group that asks. Groups which have recently enjoyed outings on Treasure Island vary from a 20-person ecology club to individualized tours for veterans to 15,000 youths involved in the "Hoop It Up" basketball tournament. In conjunction with the Mayor and the SFPD, the Project Office hosted over 800 children from public housing for an Easter egg hunt, which was a wonderful success. Please see Media Coverage section. 11 We recently hosted the Chinese Six Companies on Treasure Island for a Fourth of July picnic which attracted 600 people. Treasure Island was the site of a Vanity Fair photo shoot with Annie Liebowitz, and last year's U.S Conference of Mayors and a Valentine's Day Dance. We have also had major corporate events ranging from the Sports Channel Luncheon, the EVI electric car unveiling and a conference for political consultants. On Memorial Day weekend, we hosted a fundraiser for the Gay Games. We hosted an event for the Armenian Society, and we are planning events with the French attache and the Moscow Ballet. Treasure Island has hosted school picnics, photography classes as well as a Town Hall meeting with the Mayor for San Francisco high school students. Treasure Island has had events for the Society on Aging and on October 3rd hosted the Alzheimer Society "Memory Walk". Athletes have used the soccer and baseball fields

¹¹ The attachment is not included as part of this report. It may be obtained from the Controller's Audits Division.

and the Gaelic Football Association is a regular guest for their practices and matches. Clipper Cove has been used for open swim events by several swim clubs as well as boat races. On July 11th, the San Francisco Planning Department held a public workshop seeking input from the public on planning ideas for the islands with almost 200 people in attendance. "City Tours", under the auspices of the San Francisco Public Library, conducts tours on Treasure Island. The California Preservation Society has held a public workshop on Yerba Buena Island and the Art Deco Society held its annual ball in Building 1. The Dockers Independent Film Festival hosted more than 1500 people earlier this summer. Treasure Island also hosted the Afro-American Trade Conference and reception. An exhibition on the Sino-Japanese War and the atrocities committed by the Japanese during that period is currently open at the Treasure Island Library on weekends. Tens of thousands of visitors have streamed through the exhibit. Thousands of visitors are expected for Fleet Week in October including the Service Members Legal Defense Fund and the Naval Academy Parents club.

These events, though representative of the diversity of the San Francisco community visiting Treasure Island, pales in comparison to the "Blues and Art on the Bay" festival which drew nearly 70,000 people to Treasure Island. The Festival, with music, fine arts and crafts attracted the largest number of visitors to Treasure Island since the 1939 World's Fair. In addition, the annual Labor Day picnic of the San Francisco and Alameda Counties Central Labor Councils was held on Treasure Island. Please see Media Section following attachments. 12

Events that are in the final planning stages are the X (Extreme) games which will use Treasure Island for sky surfing and for housing some of their production staff, the Black Family Reunion for 1999 as well as the possibility of a Christmas Faire for the upcoming holiday season. In addition, later this month the San Francisco Council of District Merchants will hold a reception to meet and talk with elected officials.

Despite the substantial costs of opening the island to public access (detailed on page 14, under recommendation 19)¹³, the western portion of Treasure Island was opened to visitors each weekend starting Labor Day weekend and extending through the end of the year, weather permitting. Visitors will be able to picnic on the Great Lawn and enjoy the spectacular views of San Francisco.

Procedures have been developed and are available to the public for the leasing of TI facilities for special events such as weddings as well as business and community meetings. Had the Grand Jury inquired, members would have learned that scores of events have been held on TI since 10/01/97, accommodating about 100,000 people.

¹² The attachment is not included as part of this report. It may be obtained from the Controller's Audits Division

¹³ Refer to Mayor's Office's response to recommendation 19.

Additionally, Footnote 5 on page 9 of the Report seems to imply that the requirement that renters provide liability insurance to protect the City, the Authority and the General Fund from liability is a measure intended to restrict access to TI. In fact, just the opposite is true. The TI Project Office, like the property managers of the Green Room (in the War Memorial Building), have made arrangements for renters to buy "per event" liability insurance - giving everyone who wants to use TI facilities an easy and affordable means of securing liability insurance. Additionally, the Civil Grand Jury may be unaware that all City venues that are rented to private parties (such as the Green Room, City Hall, etc.) require renters to provide liability insurance naming the City and County of San Francisco, its agents, officers and employees as additional insureds.

Board of Supervisors November 17, 1998

The Board of Supervisors in adopting Resolution 314-98, directed the TIDA to take all steps necessary to effectuate the provisions of that resolution. Specifically TIDA was required to acknowledge that the Tidelands Trust Act requires that property covered under the Act be accessible to the public and utilized to encourage public-oriented uses, such as uses that attract people to the waterfront, promote public recreation, protect habitat and preserve open space.

Additionally, the Board adopted Resolution 720-98, which urged the TIDA to study and develop a limited public access plan and report the plan to the Board of Supervisors' Economic Development, Transportation and Technology Committee.

The Board has not yet received a plan as to how ongoing public access will be accommodated.

Recommendation 7: TIDA Should Improve Its Communications With the Public

TIDA should improve its communications with the press and the public, in order to make the process truly accessible and responsive to public needs, which in turn would reduce the widespread perception that the planning process is closed. TIDA's philosophy in disseminating information should be proactive rather than reactive and funding should be committed to this effort.

Responses to Recommendation

Mayor's Office October 7, 1998

We agree and have taken measures to make more effective and proactive our communication with the public. The positive media attention Treasure Island garnered with Labor Day weekend's "Blues and Art on the Bay" was primarily the product of close attention to media sources. Although our budget is constrained, we have been

able to hire a part-time Public Information Officer to assist us in dispelling and correcting erroneous information and in planning and executing a media plan which both informs the public and seeks their participation.

Board of Supervisors November 17, 1998

The TIDA should adequately address this recommendation.

INTERIM AND LONG-TERM USE

TI is still owned by the Navy. The Navy and the Department of Defense (DOD), its parent agency, remain actively involved in the islands, negotiating with TIDA under a Cooperative Agreement to implement the Reuse Plan. Development plans are proceeding along two parallel tracks extending over a 35 year period: interim reuse and long-term conveyance. The Defense Authorization Act provides that once DOD property is transferred at below market price, the local government and DOD generally will share in any net proceeds ultimately generated from subsequent sales or leasings of the property for a period of 15 years after conveyance by the federal government.

The objective of the Interim Use Phase of development (1997 through 2001) is to generate revenue to offset the cost of City services. During this period, the city leases TI from the Navy, and can sublease facilities on the islands. The long-term objectives involve negotiating the transfer of the islands from the Navy with a redevelopment plan consistent with the Reuse Plan approved by the Board of Supervisors and the Mayor.

Finding: The Status of the Interim Use Plan Is Difficult to Determine

Even considering the dynamic nature of the implementation of the interim use plan, it is very difficult to determine the status or the specifics of the various components of the plan. This is true of the interim housing plan, the Fire Training facility, the Police Academy and the jail.

Response to Finding

Mayor's Office October 7, 1998

We strongly disagree because the status of plans and development projects are publicly available through the Treasure Island Development Authority minutes or with a telephone call to our Director of Development or Public Information Officer. TIDA directors as well as the TI Project staff would have been pleased to provide the Civil

Grand Jury with the status of the interim housing plan, the fire training facility, the Police Academy and the jail. Regular updates on these activities are a part of the Executive Director's report at each regularly scheduled TIDA meeting and are reflected in the minutes of each meeting. The following are the current status of each of the above:

- At the February 25, 1998 TIDA meeting, the Authority authorized staff to enter into
 exclusive negotiations with the John Stewart Company for rehabilitation and
 management of TI and YBI housing. It is projected that the Authority will approve
 contract terms with the John Stewart Company at the October meeting of the
 Authority.
- The fire training facility, the police academy and the jail were licensed to the SF
 Fire Department, the SF Police Department and the SF Sheriff's Department. The
 licenses enabled these departments to begin rehabilitation of the facilities. TIDA
 and the U.S. Navy are completing negotiations for these sites, and upon conclusion,
 these facilities will be leased to TIDA and subleased to the respective departments.

Recommendation 8: Planning Progress Should Be Made Clear to the Public

TIDA should try to dispel the perception of disarray by making the progress of its planning clear to the public.

Response to Recommendation

Mayor's Office October 7, 1998

We do not agree that the public perceives the planning process to be in a state of disarray. Needless to say, we agree that the public must be informed of TIDA's planning and development activities. It's the law. TIDA holds regular, monthly public meetings and its agendas are distributed widely, in accordance with the Brown Act and the Sunshine Ordinance. Under the current Executive Director, all correspondence is handled promptly, and staff has been proactive in contacting the media and working in a proactive manner to inform the public regarding all aspects of Treasure Island and its development.

Finding: No Life Preservers at the Treasure Island Elementary School

No life preservers are available for the 500 students currently enrolled at the Treasure Island Elementary School. These would be required in the event of a water evacuation from the island.

Response to Finding

Mayor's Office October 7, 1998

The TI Project office will work with the San Francisco Unified School District (SFUSD) to assure the safety of the children at the Treasure Island Elementary School. The principal of the Treasure Island Elementary School attends the Project Office's weekly City Department meetings wherein each Department works cooperatively with others to make Treasure Island a safe, productive environment for students, visitors, and residents. Attachment 3 documents the efforts of the SFUSD.¹⁴

Recommendation 9: Provide Life Preservers for the Treasure Island School

An adequate number of life preservers for the Treasure Island school children should be provided and stored either in a locker at the ferry pier or at the school.

Responses to Recommendation

Mayor's Office October 7, 1998

We agree. See response to above finding.

San Francisco Unified School District August 26, 1998

In order to be prepared for a potential water evacuation of Treasure Island Elementary School children, SFUSD is currently in the process of purchasing a full stock of 500 life jackets sized for children. A decision on the best place to store the life jackets has not yet been made, however this is currently being examined. Our goal is to have these matters resolved as soon as possible, but no later than December 31, 1998. Ms. Anne Warren, Director of Emergency Services for SFUSD, is actively working on resolving these matters.

San Francisco Unified School District June 7, 1999

In the ensuing period, the District purchased 500 U.S Coast Guard approved lifejackets sized for children and placed them at the Treasure Island Elementary school. We conducted an earthquake exercise at the school on April 26, 1999, and instructed students and staff in the proper wearing of lifejackets along with general evacuation

¹⁴ The attachment is not included as part of this report. It may be obtained from the Controller's Audits Division.

procedures. Children donned the new lifejackets and walked to the pier as if they were going to embark on a ferry. We had planned to have a Red and White ferry actually embark the evacuees to make the training more realistic. However, the costs associated with this proposed endeavor were very high and we abandoned the idea. Nevertheless, the training was very effective for all concerned.

We plan to conduct similar training at the beginning of each school year to ensure those new students and staff receives indoctrination in waterborne evacuation procedures.

Recommendation 10: The School District Should Report on the Provision of Life Preservers

The School District should report by September 1, 1998, on the provision of life preservers.

Response to Recommendation

Mayor's Office October 7, 1998

We agree and although TIDA and the Project Office can encourage the School District to report on the provision of life preservers, we cannot speak for the school district.

Recommendation 11: The School District Should Present Training in the Use of Life Preservers

By September 1, 1998, the School District should present a plan for a training exercise with students and teachers, to be held in September 1998, in the correct use of life preservers and emergency evacuation procedures.

Responses to Recommendation

Mayor's Office October 7, 1998

We agree. See response on finding: No Life Preservers Are Available at the TI Elementary School. As always, the TI Project office will work with the San Francisco Unified School District to assure the safety of the children at the Treasure Island Elementary School.

San Francisco Unified School District August 26, 1998

On April 28, 1998, as part of a statewide emergency preparedness exercise, SFUSD, in cooperation with the Red and White Fleet, conducted a water evacuation exercise with

all Treasure Island students and teachers. This exercise included training all students and teachers in how to put on and properly wear a life jacket, issuing all students a life jacket, and conducting a water evacuation exercise which included boarding of a ferry boat. Consequently, all students and teachers have already had initial training in putting on and wearing life jackets, and participated in a water evacuation exercise.

With respect to training new students and new teachers each academic year, it is our current plan to conduct annual training on how to properly put on and use a life jacket to be completed by mid-October, to coincide with our semiannual emergency preparedness and evacuation exercise. It is also planned to have a second exercise each April as part of the spring emergency preparedness exercise.

During our exercise last April, it was verified that under normal operating conditions, ferryboats do not carry sufficient numbers of life jackets, sized for children, to accommodate a Treasure Island School evacuation. The life jackets used for the April 28, 1998 exercise were borrowed from vessels that did not need them at that time.

City Attorney September 8, 1998

The City Attorney's Office will work with the Authority, the Treasure Island Project Office, the San Francisco Unified School District and the San Francisco Police and Fire Departments to ensure that adequate emergency procedures are in place for students of the Treasure Island Elementary School.

City Attorney June 2, 1999

The City Attorney's Office also is continuing to work with the Authority, the Treasure Island Project Office, and a variety of City Departments, including the City's Department of Building Inspection and the San Francisco Police and Fire Departments, on seismic and other public safety issues. In connection with these issues, we will continue to monitor the Authority's progress in developing emergency procedures for Treasure Island as a whole, including for its new residents and students of the Treasure Island Elementary School.

Finding: The Navy Transferred Jurisdiction over Museum Artifacts Without Consulting the Museum's Staff

The Navy transferred jurisdiction over the Museum artifacts to the Airport Commission, apparently without consulting the museum's volunteer staff.

Responses to Finding

Mayor's Office October 7, 1998

We disagree because the finding is factually incorrect. Under the Navy, the TI Museum was operated by a paid director and a volunteer staff, but this organization was not a certified museum or a non-profit organization. The Navy, the City Attorney and the TI project staff devoted substantial time and effort to working with the museum's voluntary staff to help them understand the terms and conditions under which the Navy would transfer the museum collection. Unfortunately, this informal citizens group was not able to convince the Navy that it was a responsible caretaker for the collection. To prevent the collection from being sent to Washington, DC, and its San Francisco Bay Area focus lost, the Navy contacted the SF Airports Commission, which operates a certified museum. The Airports Commission was responsive to the Navy's request and in August 1 998 the Secretary of the Navy approved the transfer of the TI Museum collection to the Airports Commission. The Airports Commission is eager to establish and operate the Museum as soon as funding is obtained (estimates exceed \$2 million) to seismically upgrade the building (Building 1) which will house the collection.

City Attorney September 8, 1998

We disagree. The City Attorney participated in a number of discussions between the Navy, the City and the Museum's volunteer staff related to a possible transfer of the museum collection from the Navy to a non-profit entity created by the Museum's volunteer staff.

Finding: Marina Negotiations With the Navy Are at a Standstill

Negotiations between TIDA and the Navy concerning the marina at Clipper Cove are at an apparent standstill waiting for the Navy to handle abandoned boats and evictions of marina tenants, who are delinquent in rent payments or whose leases have expired.

Response to Finding

Mayor's Office October 7, 1998

We disagree because the finding is factually incorrect. The City and the Navy have negotiated a lease for the marina, and TIDA has approved this lease. However, the City has not yet finalized the lease arrangements in an effort to get basic maintenance performed by the Navy before the responsibility for such expenses are assumed by the

City. There is one abandoned boat and the City is in the process of determining the appropriate method for its disposal. TIDA's harbormaster has worked with the Navy to bring all marina tenants up to date in their rent payments and required paperwork such as necessary registrations and insurance naming the City and County of San Francisco and the Treasure Island Development Authority and their officers, agents, and employees as additional insureds. To date, all but 3 of the marina's 62 tenants are current in their rent and paperwork, and the harbormaster is working with the three remaining delinquent tenants to bring them into compliance as well. In addition, the Project Office's Harbormaster advertised in the September issue of *Latitude* 38 (Northern California's largest circulation boating magazine) and other publications the availability of berths of various sizes and will hold a lottery in October to select the renters. The lottery has naturally generated tremendous interest in the marina.

Recommendation 12: TIDA Should Report on the Navy's Plan to Collect Marina Rents

TIDA should report publicly on the Navy's plans to collect delinquent rent from marina tenants, and plans for repossession of boats and eviction of delinquent boat owners, so that the marina can become a revenue-producing facility.

Responses to Recommendation

Mayor's Office October 7, 1998

We agree on the importance of collecting delinquent rent from Marina tenants. The Project Office, however, has successfully assumed this responsibility. As stated in the response to finding (11) there is one abandoned boat and the City is pursuing its disposal. There are no more than three delinquent tenants and the City is working with these tenants to get their paperwork in order and their delinquent rent current. Finally, the marina is producing \$8,616 in revenues each month from current tenants.

City Attorney September 8, 1998

The City Attorney's Office will continue to work with the Authority, the Treasure Island Project Office and the Navy to develop and implement rent collection, lease enforcement and unlawful detainer policies and procedures related to the Base.

City Attorney June 2, 1999

The City Attorney's Office also provides legal counsel related to many other aspects of Treasure Island. For example, as noted in the TI Response, the City Attorney's Office provided legal counsel to the Authority in connection with its selection of a developer

of the Treasure Island Marina pursuant to a request for proposals. We are now participating in negotiations with the selected developer to accomplish this first phase of the redevelopment of Treasure Island. As part of that project, the developer will be required to provide interim management services for existing marina operations.

Finding: The Marina Is Not Producing Revenue

The marina has enormous revenue-generating potential and is languishing, producing no income.

Responses to Finding

Mayor's Office October 7, 1998

This is mostly incorrect. Considering its current deteriorating physical conditions and the constraints of the Navy's lease to the City, the income from the marina is commendable. For the period October 1, 1997 through July 30, 1998, the City received \$98,500 gross with 50% going to the U.S. Navy. Additionally the Project Office's Harbormaster advertised in the September issue of *Latitude 38* (Northern California's largest circulation boating magazine) and other publications the availability of berths of various sizes and will hold a lottery in October to select the renters. The lottery has naturally generated tremendous interest in the marina. The Project Office received approximately eight entries for each available space.

Late last year, the City initiated a competitive and public solicitation process to secure development of the TI marina by issuing an RFP for marina development. Responses were due on January 21, 1998. Three responses were deemed viable by a Marina RFP Selection Committee, and these three respondents were asked to present their proposals to the Authority at the Authority's regularly scheduled July 1998 public meeting. The Marina RFP Selection Committee conducted oral interviews of all respondents on August 11, 1998.

Although the proposals included substantial capital improvements including an increased number of slips, constructing a new breakwater and building supporting and attractive landside amenities, the start of construction is clouded by serious constraints. First, the City's lease of the marina property from the Navy permits the Navy to terminate the lease on 30 days' notice if the Navy makes "a final decision on the disposal of the leased premises that is inconsistent with continued use thereof by Lessee under this Lease." Second, the lease does not include or provide for a subordination and nondisturbance agreement with respect to the marina sublease and it appears unlikely at this point that the Navy will provide such an agreement.

Unless the Navy changes its position, the City will not be able to provide a financial long-term sublease for the Marina until the Navy conveys the real property to the City. Although the City and the Navy are proceeding diligently toward such conveyance, external factors such as the Navy's environmental clean up schedule for Treasure Island and the Bay Bridge seismic retrofit project may affect our progress.

In addition, the Navy and City must resolve contamination and clean up issues before any expansion of the marina can proceed. To date the environmental process specific to the marina has not moved beyond the initial investigation phase and the environmental feasibility study will not be issued until the draft remedial investigation report is final. The scope of the clean up required for the marina and a timetable for clean up activities, therefore, are unclear.

The City's inability to enter into a long-term sublease for the Marina compounds this problem, at least in the interim. However, the project will move forward despite such obstacles. It is the Authority's intention to complete the developer selection process as soon as possible and a comprehensive evaluation of the responses is underway. Project staff anticipate submitting a recommendation to TIDA at its regular October 1998 public meeting and will consult with the Authority regarding the interim operation and maintenance needs of the marina.

City Attorney September 8, 1998

We partially disagree. At some time in the future, the Marina may have tremendous revenue generating potential, but a number of significant capital improvements will have to be made, including greatly expanding the number of slips, building a new break-water and building land-side amenities to support expanded use. Until the City owns the Base, it will likely continue to be very difficult to secure private financing for the capital improvements needed to realize that revenue generating potential. These difficulties stem, in part, from the Navy's unwillingness to grant the Authority a financeable ground lease for the Marina, as well as certain unremediated environmental conditions in Clipper Cove.

It is also not accurate to say that the Marina is languishing. The City Attorney has worked with the Project Office and the Navy to bring existing Marina tenant's under appropriate leases. In addition, the Authority, with our assistance, issued a request for proposals ("RFP") for both long-term development of the Marina and interim operation and maintenance prior to conveyance. The City Attorney will continue to provide legal counsel to the Authority as the responses to the RFP are evaluated, and through the selection and negotiation processes that will follow.

LONG-TERM DEVELOPMENT AND THE MARINA

The key to long-term development of TI is finding a developer to finance, construct and run commercial enterprises on the islands. The marina at Clipper Cove is the focal point of development proposals. TIDA has received a number of proposals for leasing of the marina.

Finding: Buildings on Treasure Island Do Not Take Advantage of City Views

The islands have stunning views of the Bay and its bridges, the City and the hills of the North Bay. The buildings on TI are nondescript and do not capitalize on the views. The steep terrain and narrow streets of YBI limit access and the potential for new development. Chilly prevailing winds make appreciation of the views difficult.

Response to Finding

Mayor's Office October 7, 1998

We agree. Maximizing the attractiveness of both islands for development and for the use and enjoyment of visitors and residents is the focus of the efforts of TIDA and the Project Office. To that end, we are engaging in a public planning process which will convert both islands into a delight for visitors, a comfortable and safe place to live and enjoy open space while maintaining a self-supporting development.

Finding: TIDA Failed to Make the Public Aware of Development Proposals

TIDA has failed to make the public aware of the nature, or even the number, of proposals to develop the marina and other facilities on TI.

Responses to Finding

Mayor's Office October 7, 1998

We disagree because the finding is not based on correct information. The number of responses to the marina development proposals was first publicly announced at the Treasure Island Development Task Force meeting in February 1998 and are contained in the minutes of each of these meetings. The evaluation process was publicly updated at each subsequent meeting. Formal presentations of the three proposals were made at the July TIDA meeting and both the Chronicle and the Examiner reported on these proposals. The staff recommendation for a marina developer will be discussed at the next regular meeting of the Authority on October 21, 1998.

City Attorney September 8, 1998

We disagree. Notice of the RFP was published pursuant to standard City procedures and supplemented by industry-focused outreach efforts. The RFP has been discussed at several Authority meetings, all of which were noticed and held in accordance with the Brown Act and the Sunshine Ordinance. In addition, at the July 15 meeting of the Authority, each of the three respondents to the RFP made informational presentations to the Authority.

Finding: Competitive Process Is Not Publicized Adequately

If any kind of competitive process is in use in the solicitation and evaluation of any such proposals, it has not been made public in an adequately informative way.

Response to Finding

Mayor's Office October 7, 1998

We vehemently disagree. As previously described in the response to finding (13) there has been a full public and competitive process to solicit a developer for the TI Marina. The RFP was publicly advertised and provided to all interested parties. Reports on the status of the solicitation process have been made at each TI Task Force or Development Authority meeting since January 1998. Each of the three respondents to the RFP made public presentations of the development proposals at the July TIDA meeting. At that time, the Project Office announced that a broad-based Selection Committee would review and evaluate each proposal. See Attachment 4 for list of members of the Selection Committee¹⁵. See also the *Treasure Island Development Authority Purchasing Policy and Procedures* and the *Treasure Island Development Authority Real Property Transfer Policies and Procedures* (Attachments 5 and 6)¹⁶ that were adopted in public by TIDA at its public meeting on March 11, 1998.

Recommendation 13: TIDA Should Publicize Criteria for a Competitive Process

TIDA should publicize its criteria for a competitive process for development proposals.

¹⁵ The attachment is not included as part of this report. It may be obtained from the Controller's Audits Division.

¹² These attachments are not included as part of this report. They may be obtained from the Controller's Audits Division.

Response to Recommendation

Mayor's Office October 7, 1998

We agree. As noted above, that's why the *Treasure Island Development Authority Purchasing Policy and Procedures* (Attachment 5) and the *Treasure Island Development Authority Real Property Transfer Policies and Procedures* (Attachment 6) were adopted in public by TIDA at its public meeting on March 11, 1998. These documents are available to anyone who requests them. Additionally, each RFP issued by TIDA is advertised in the City's weekly *Bid and Purchasing Opportunities* newsletter, and other newspapers. Each RFP also contains a full explanation of the RFP process, including a projected date for a TIDA decision at a public meeting.

Recommendation 14: Apply Conflicts of Interest Regulations to the Competitive Process

TIDA should apply the presently governing regulations regarding conflicts of interest and competitive processes in soliciting proposals for development.

Responses to Recommendation

Mayor's Office October 7, 1998

We agree. TIDA is subject to all state and city rules, regulations and laws regarding conflicts of interest. TIDA scrupulously follows its *Purchasing Policy* and *Procedures and Real Property Transfer Policies and Procedures* in soliciting proposals for development.

City Attorney September 8, 1998

The Authority is subject to state and City rules, regulations and laws regarding conflicts of interest.

In addition, on March 11, 1998, the Authority, at a public meeting duly noticed and held in accordance with both the Brown Act and the Sunshine Ordinance, adopted a real property transfer policy establishing a public and competitive process for the sale, lease or transfer of property on the Base (the "Transfer Policy") and policies and procedures related to the public and competitive solicitation of goods and services (the "Purchasing Policy"). Copies of those polices are attached hereto as Exhibits A-1 and

A-2 respectively.¹⁷ These policies were subsequently endorsed by the Board of Supervisors on May 11, 1998, in Resolution No. 314-98.

Recommendation 15: TIDA Should Publicize Its Role in the Development of Treasure Island

TIDA should take an aggressive role in publicizing and explaining its activities, particularly those which will have a long term impact on TI, and therefore are of great interest to the people of San Francisco.

Response to Recommendation

Mayor's Office October 7, 1998

We agree. The TI Project staff responds to every media inquiry regarding activities on TI. Indeed, the Project's Executive Director has not only participated in various television programs, but makes regular public appearances to interested citizen and community groups. In addition, the Executive Director has provided extensive time to respond to media inquiries and organizations as well as private citizens and to provide documentation and analysis of the challenges and opportunities confronting TI development. In addition, as stated above, we have been able to hire a part-time Public Information Officer to assist us in dispelling and correcting erroneous information and in planning and executing a media plan which both informs the public and seeks their participation.

Recommendation 16: The City Attorney Should Monitor TIDA's Compliance With the Competitive Process

The City Attorney should monitor TIDA's compliance with the required competitive process.

Responses to Recommendation

Mayor's Office October 7, 1998

We agree. That's why the TI Project staff works closely and seeks the advice of the City Attorney's office on all solicitation and contract processes. The Office of the City Attorney reviews and approves all contracts, and guides Project staff in compliance with all City, State and federal regulations.

¹⁷ These attachments are not included as part of this report. They may be obtained from the Controller's Audits Division.

City Attorney September 8, 1998

The City Attorney will continue to work closely with the Authority and the Treasure Island Project Office to ensure that all required competitive processes, including those described in the response to Recommendations 13 and 14 above, are complied with.

City Attorney June 2, 1999

The City Attorney's Office continues, however, to be closely involved in the efforts to redevelop Treasure Island for productive civilian reuse. For example, the City Attorney's Office continues to assign an attorney to attend all meetings of the Treasure Island Development Authority (the "Authority"). In so doing, we oversee compliance with all public meetings and records laws under both the Brown Act and the City's Sunshine Ordinance. We also monitor compliance with the Authority's adopted rules and procedures regarding the competitive solicitation of personal services contracts and leases of property on Treasure Island.

Finding: The Treasure Island Development Process Appears Closed to the Public

The appearance of news items garnered from sources other than TIDA regarding apparent favoritism contribute to the perception that the development of Treasure Island is a process closed to the public.

Response to Finding

Mayor's Office October 7, 1998

We disagree. The sources consulted by the Civil Grand Jury in reaching this finding appear to be limited to an article in the <u>San Francisco Examiner</u> appended to the Grand Jury Report. This article did not report accurately the process undertaken to solicit development of the TI marina but rather dealt with the connections to the Mayor of one RFP respondent. While this article may very well contribute to a misunderstanding of the public process for all developments on TI, subsequent media articles should have dispelled the perception. In addition, the Selection Committee has developed objective criteria for the selection of a proposed development team and the Development Authority will closely scrutinize the selection process at the October 1998 meeting.

FINANCING

It is estimated that \$200 million will be needed to build the required infrastructure on TI and YBI, including seismic remediation. The City has committed that no general fund money will be used to support TI. It is anticipated that an eventual large scale development will provide the bulk of the needed income. In the interim, federal, state and/or bridge toll subsidies will be required.

Finding: Basic Upkeep of the Islands Will Be Expensive

Millions of dollars each year will be required just to maintain basic upkeep of the islands.

Response to Finding

Mayor's Office October 7, 1998

We agree. As of October 1, 1997 and through September 30, 1998 the Navy funds some "caretaker" services up to \$4 million per year. This does not cover the full costs of providing the level of caretaker services and support required by the Navy, and must be supplemented by revenues earned by the Mayor's TI Project through leasing various facilities. For FY 1999 (July 1,1998 through June 30, 1999) the Controller's office has certified the staff budget projection of \$4 million from the Navy, \$200,000 from State grants, and \$1.85 million in earned income.

Finding: TIDA Anticipates a Private Development Plan Will Be Approved

TIDA anticipates that a well financed private development plan will eventually be approved, and will provide the funds necessary to keep the islands going without tapping the General Fund of the City.

Response to Finding

Mayor's Office October 7, 1998

We agree and focus our activities on that goal. TIDA was established to assure the most effective and efficient conversion of former Naval Station Treasure Island to civilian reuse for the benefit of the citizens of the City and County of San Francisco. At TIDA's October meeting, Authority members will review an RFP soliciting a master developer for Treasure and Yerba Buena islands. TIDA and the Project Office look forward to reviewing future development proposals.

In the meantime, special event activities and leasing of the islands' venues for the filming of movies and television shows provide TIDA with approximately \$2,000,000 annually. The Mayor's Treasure Island Project, like every other City department, must provide sufficient documentation to provide the Controller with a basis to establish any level of budgetary allocation. Thus, the City's existing processes establish the guidelines that assure that the TI Project does not incur expenses in excess of revenues.

Recommendation 17: TIDA Should Find a Qualified Developer

TIDA should balance its interest in finding a qualified developer for TI with an equal commitment to a process which is open and responsive to the needs of the citizens of San Francisco.

Response to Recommendation

Mayor's Office October 7, 1998

We agree. As stated above, TIDA will review a draft Request for Qualifications for a master developer at its October meeting. The terms of this RFQ, like every other RFP or RFQ issued by TIDA, will be adopted by TIDA at a public meeting with notice in conformance with the Brown Act and the City's Sunshine Ordinance.

City Attorney September 8, 1998

While principally not a legal issue, we note that the City Attorney is working with the Authority and the Treasure Island Project Office towards the issuance of a Request for Qualification for one or more master developers pursuant to the Transfer Policy described above. Any selection of a developer, whether by RFP or otherwise, would have to be approved at public meetings of the Authority and the Board of Supervisors in accordance with the Brown Act and the Sunshine Ordinance, following applicable environmental review.

City Attorney June 2, 1999

We also assisted the Authority in its successful negotiations with the John Stewart Company for the rehabilitation and management of up to 766 housing units on Treasure Island. The first residents are scheduled to move onto the Base in June, 1999. The City Attorney's Office will continue to participate in negotiations with the Navy for the conveyance of the Base to the Authority and provide legal counsel in connection with the adoption of redevelopment plans and environmental documents necessary to implement the Base Reuse Plan for Treasure Island, and the selection of a master developer

Recommendation 18: TIDA Should Clarify Its Financing Plans

TIDA should clarify, with specificity, its financing plans for TI over the course of the Interim Use period.

Response to Recommendation

Mayor's Office October 7, 1998

We agree and certainly plan to do so. The funds generated through approved interim uses will provide TIDA with the means to maintain TI facilities and fund the remaining planning activities such as preparing an economic development conveyance application to acquire TI/YBI, and to develop and certify a final Redevelopment Plan. A Redevelopment Plan must include (among other items) a general description of the proposed method of financing. If the Plan provides for tax increment financing, as is anticipated for Treasure Island, it must include a specific limitation on the amount of tax increments to be allocated to the Project, a time limit on any indebtedness, and the amount of any indebtedness that can be outstanding at any time.

Finding: The City Will Need to Provide Basic Services for the Islands

The City will, in the long term, need to continue to provide basic services such as police and fire protection.

Response to Finding

City Attorney September 8, 1998

We agree that, as a practical matter, long-term development of the Base will require the provision of public protection services, such as police and fire service.

Recommendation 19: Determine the Cost of Basic Services to Make the Islands Accessible to the Public

The San Francisco Police Department (SFPD), the San Francisco Fire Department (SFFD) and MUNI should determine what the cost of necessary police, fire and public transportation services will be in order to make the islands accessible to the public.

Responses to Recommendation

Mayor's Office October 7, 1998

We agree and that is why we work closely with each of these departments to make the island accessible to the public. Currently, much of the island cannot accommodate public access. Unoccupied buildings may contain friable asbestos, live wires or other hazards. Potholed roads also pose liability issues to visitors. Unrestricted access may invite vandalism. Limited access is intended to protect what will one day become city assets. That is why the Treasure Island Project Office successfully solicited \$70,000 in private donations in order to fund a public access program.

The Project Office has determined that unrestricted access to Treasure Island would require an increase in police officers from 8 to 37, plus the addition of one more sergeant and two lieutenants. The annual cost of additional police protection is \$2,780,000. Additional fire protection entails two additional engine companies with one officer and three firefighters per company, one truck company with one officer and four firefighters, one full-time fire prevention officer and would cost an additional \$1,500,000 annually. A full-time paramedic and ambulance can be funded at an additional \$48,000 annually. Public toilets, dumpsters and trash collection, fencing, maintenance workers, directional and warning signs, and provisions to make facilities accessible to disabled persons add substantially to the costs of unrestricted access.

San Francisco Police Department October 8, 1998

The current Police Department staffing at Treasure Island consists of a Captain, one Sergeant and nine Patrol Officers as well as four security guards with an approximate annual cost of \$900,000. This complement was designed to provide security for an Island that was closed to the public. Under the newly instituted access plan the Department will assign two additional officers during public access hours.

San Francisco Fire Department May 26, 1999

The Fire Department is continuing its plan to use the training facility at Treasure Island. The Department will utilize the facility to conduct academy classes for H-1 Paramedics to become H-3 Firefighter Paramedics. Additionally, the Department has continued to lease space to other entities that wish to conduct fire-training courses at the facility on Treasure Island. It is the intention of the Fire Department to increase the use of the Treasure Island Fire Training Facility to include academy classes for recruits who are entering the Department. During FY 1999-2000 the 103rd Fire Recruit class will be conducted on Treasure Island.

It should also be noted that the Fire Department would continue to provide fire suppression coverage for Treasure Island during FY 1999-2000. Staffing has been proposed at one and one-half engine companies for FY 1999-2000. This is the same level of coverage that has been provided for FY 1998-1999. The approximate cost of providing this level coverage is \$1.8 million.

Recommendation 20: TIDA Should Identify Fund Sources for the Services

TIDA should detail the anticipated sources of funds needed to provide those services, and the projected timetable for their implementation.

Response to Recommendation

Mayor's Office October 7, 1998

We agree and are working diligently to identify the full costs of services and similarly, private and public sources of funding. The work of identifying the full costs of developing and maintaining TI/YBI is a substantial part of the process of preparing both an economic development conveyance and a redevelopment plan, both of which will include a detailed timeline of implementation of the preferred development plan. At its October 1998 meeting TIDA will select a consultant to assist the Authority and its staff in preparing a conveyance and redevelopment plan.

ENVIRONMENTAL ISSUES

The development of TI is subject to the California Environmental Quality Act (CEQA). CEQA provides that before a legislative body can take any action which will have an environmental impact it must complete environmental studies. These studies are known as Environmental Impact Reports (EIR). In the case of TI, the Reuse Plan is the "scoping document" for the EIR, which is scheduled for completion during the coming winter. What this means is that the EIR will be based on what is presented in the Reuse Plan. An approval issued based on the Reuse Plan might lose its viability if the Reuse Plan is substantially altered.

DOD funding for environmental testing, including toxic pollutants, petroleum derivatives, lead abatement and asbestos removal, has been reduced. Concerns have been expressed that funding is inadequate, and the combination of toxic and seismic concerns may reduce the likelihood that the Reuse Plan will be able to be implemented.

Certain structures built by the Navy which would not be permitted under the Tidelands Trust will be allowed, under the terms of AB 699, to continue to be used for their remaining useful life. These include housing units, the fire-fighter training facility and the brig.

Finding: Seismic Renovations Needed to Avoid Increases in Insurance Costs

Without major seismic renovations there are potential liability problems in the event of an earthquake. Insurance costs for institutional use could rise dramatically.

Responses to Finding

Mayor's Office October 7, 1998

We agree that to the extent that the City owns and operates Treasure Island, it could face claims resulting from damage caused by earthquakes. We agree that, to the extent the City owns or operates the Base, it could face claims resulting from damage caused by a major earthquake, possibly affecting insurance costs. In August 1998, however, Mayor Brown and the Board of Supervisors extended the City's self-insurance program to the activities of TIDA and TI Project Office. Both the Authority and the Project Office require subtenants to release, indemnify and hold harmless the City and Authority from claims related to earthquake hazards and to carry insurance coverage naming the Authority and City as additional insureds.

City Attorney September 8, 1998

We agree that, to the extent the City owns or operates the Base, it could face claims resulting from damage caused by a major earthquake. We also agree that the risks of those claims could affect insurance costs. We note, however, that on August 24, 1998, the Board of Supervisors adopted a resolution extending the City's program of self-insurance to the activities of the Authority. We also note that sub-tenants of the Authority are required to release, indemnify and hold harmless the City and the Authority from claims related to earthquake hazards and to carry insurance coverage which names the Authority and the City as additional insureds.

Finding: The New Sewage Treatment Plant Operates at 10% Capacity

There is a new sewage treatment plant on TI, which is currently operating at 10% capacity.

Response to Finding

Mayor's Office October 7, 1998

We agree. The limited use of the TI sewage treatment plant simply reflects the small current population of TI. As the housing units are rehabilitated and occupied, increased use of the sewage treatment plant will follow.

Finding: No Pollution Problem With the Fire Training School's Gas-Fueled Jets

The Fire Training School operates with gas-fueled jets, and poses no pollution problems within its immediate vicinity.

Response to Finding

Mayor's Office October 7, 1998

We agree. The fire training facility is fully contained and is non-polluting.

Finding: Reduced Department of Defense Funding Compromises Resolving Environmental Problems

DOD funding for environmental testing has been reduced, possibly compromising the likelihood of successfully resolving the complex existing environmental problems.

Response to Finding

Mayor's Office October 7, 1998

We disagree because this finding is based on incorrect information. Unfortunately, the Civil Grand Jury's report does not cite a source for this finding. The Navy remains fully liable to fund remediation of existing environmental problems. The Navy is obligated by federal law to remediate any toxic contamination to an appropriate level, consistent with agreed upon reuse. We work closely with the Navy in resolving outstanding issues and in cooperatively formulating a timetable of environmental remediation.

Recommendation 21: The Department of Defense Should Provide Funding for Environmental Testing

City officials and TIDA should encourage our Congressional delegation to insist DOD provide funding for environmental testing which could reduce problems in future development.

Response to Recommendation

Mayor's Office October 7, 1998

We agree. Mayor Brown, his staff, and the City's federal lobbyist work closely with Senators Boxer and Feinstein and Representative Nancy Pelosi and other Bay Area and California Congressional representatives to assure that DOD meets all requirements imposed by the federal government to assure successful economic reuse of former military bases.

JOB CORPS

Ownership of a large section in the center of TI, including a ball field, has been transferred from the DOD to the Department of Labor for a Job Corps center. The center is two to three years away from completion. The Job Corps is intended to serve economically eligible young people, between the ages of 16 and 24, who have financial and home deficiencies. Its mission is to create a residential setting and provide vocational training. Academics are taught for remediation in pursuit of GEDs and high school diplomas. Training in social skills, such as dealing with society at large and coping with job situations and coworkers, is also provided.

There are now approximately 200 young people at the center, with a projected total of 600 to 850 residential slots and an additional 250 for local residents. The Job Corps program is not intended to serve young people with serious criminal or psychological problems. TIDA, which emphatically wanted the San Francisco residents' component included in the center's programs, continues to work with the Job Corps to ensure that the center's development of its facilities will not inhibit future development of other uses of TI.

THE HOMELESS ON TREASURE ISLAND

The Community Redevelopment and Homeless Assistance Act of 1994 requires that the Reuse Plan incorporate an agreement regarding the homeless. It is this requirement that necessitated approval of the Reuse Plan by HUD. The homeless component was developed through negotiation with Treasure Island Homeless Development Initiative (TIHDI), an

association which was formed in June of 1994, and is composed of 24 non-profit homeless and social services organizations. TIHDI received initial funding from the City and from the Evelyn and Walter Haas Foundation. TIHDI is fiscally sponsored by Tenants and Owners Development Corporation (TODCO), whose Executive Vice President and Director of Project Design is the Vice Chairperson of TIDA.

Finding: TIHDI Is an Appropriate Vehicle for Homeless Services

TIHDI is a large and inclusive association, and is an appropriate vehicle for fulfillment of the homeless services components of the Reuse Plan.

Response to Finding

Mayor's Office October 7, 1998

Misinformation: Please note that on page 19 at the top of the page, the authors of the Report state, "TIHDI is fiscally sponsored by Tenants and Owners Development Corporation (TODCO), whose Executive Vice President and Director of Project Design is the Vice Chairperson of TIDA." This is factually incorrect since that relationship ended December 31, 1997, and Goodwill Industries assumed the fiscal sponsor role on January 1, 1998.

We agree and are working cooperatively with TIHDI in the areas of employment and housing for economically disadvantaged individuals.

Finding: The Local Homeless Coordinating Board Monitors and Promotes Strategies Toward Homelessness

The City has formed a Local Board (Local Homeless Coordinating Board) with specific oversight and advisory responsibilities concerning the City's Continuum of Care for the Homeless plan. The Local Board will monitor funding and make recommendations to the Mayor and the Board of Supervisors in order to promote a unified strategy toward dealing with the problems of homelessness.

Response to Finding

Mayor's Office October 7, 1998

We agree and look forward to such recommendations.

Recommendation 22: Cooperation Is Needed to Create Services for the Homeless on Treasure Island

TIDA and TIHDI should use the forum provided by the Local Board as an avenue to achieving the high level of cooperation needed to create housing and services for the homeless on TI.

Response to Recommendation

Mayor's Office October 7, 1998

We agree and work cooperatively.

INTERIM HOUSING

Three hundred housing units on TI are expected to be occupied in October or November of 1998 under an interim housing plan. TIDA has contracted with the John Stewart Company to rehabilitate and manage these units. Rentals to a consortium of universities for graduate student housing has been discussed, and is apparently still under consideration. This interim plan is intended to preserve the housing stock, which deteriorates rapidly with lack of use, and to provide an income stream in the short term.

Finding: The Existing Housing Stock Needs to Be Brought Into Compliance

Much of the existing housing stock needs to be brought into compliance with San Francisco building codes, and the issue of who will pay for improvements is continually being negotiated between the Navy and the city.

Responses to Finding

Mayor's Office October 7, 1998

We agree and the faster, the better. However, funding this rehabilitation is not a matter of negotiations between the City and the Navy.

The Grand Jury is correct in its observation that much of the housing on TI and YBI does need to be rehabilitated before it can be rented. That's why, following approval at a public meeting on February 25, 1998, TIDA entered into exclusive negotiations with the John Stewart Company (following a competitive solicitation process) to rehabilitate, rent and manage the TI and YBI housing. The John Stewart Company and

the City are working cooperatively on an agreement to rehabilitate up to 660 units of housing on both islands. The Authority expects to review such agreement within the next 60 to 90 days and expects work to start before the end of 1998. In addition, the Authority is working with the Treasure Island Homeless Development Initiative (TIHDI) to concurrently rehabilitate a minimum of 100 units of the 375 reserved for the consortium.

City Attorney September 8, 1998

We partially disagree. Many of the housing units on the Base will require code upgrades. However, to our knowledge, the Navy has never agreed to bear any portion of those costs nor indicated any willingness to negotiate on this issue. Rather, the Project Office has looked to qualified private housing developers to make the required improvements. The Project Office has been negotiating an agreement with the John Stewart Company which calls for the rehabilitation, management and repair of many of the housing units. Under that agreement, the costs of code upgrades will be paid from rental revenues and not form the City's General Fund. If such an agreement is successfully negotiated, it will be subject to public hearings and approval by the Authority and the Board of Supervisors.

Finding: Buildings on the Islands Are Empty and Deteriorating Rapidly

Buildings on the islands, and particularly the housing stock, are deteriorating rapidly as they remain empty. These buildings have languished virtually unattended since September 1997.

Response to Finding

Mayor's Office October 7, 1998

We agree and are rapidly acting to conclude contractual negotiations to rehabilitate the housing and bring it up to code. Yet, it's true the housing stock is deteriorating as it remains unoccupied since the Navy's departure on September 30, 1997. Only emergency repairs have been undertaken due to lack of funds and staff. However, since the appointment of the current Executive Director in March 1998, negotiations are concluding with the John Stewart Company, appropriate due diligence reviews undertaken, and most key terms of the management contract with John Stewart Company have been developed. We expect contract terms with the John Stewart Company to be approved by the Authority in October or November 1998.

Recommendation 23: Buildings Should Be Occupied to Stop Further Deterioration

TIDA should move as rapidly as possible to have the buildings on TI occupied in order to stop their further deterioration.

Response to Recommendation

Mayor's Office October 7, 1998

We agree. That's why TIDA and the Project office are concluding negotiations with the John Stewart Company, issuing an RFQ for a master developer and working in partnership with the Police Department, the Sheriff's Department, the Fire Department, Delancey Street and others to arrest deterioration and minimize rehabilitation costs.

Finding: Unused Plumbing Is Deteriorating

Unused plumbing is deteriorating along with the structures and the surrounding grounds.

Response to Finding

Mayor's Office October 7, 1998

We partially disagree. All unused housing structures and the plumbing contained within are inspected quarterly. All apparent leaks or damage are noted at this time and corrective actions are taken promptly. Deterioration to structures is minimized by keeping the water supply shut off and the drains sealed whenever possible.

Finding: The Navy Proposed Restricting the Use of Soil for Gardens

With petroleum derivatives slated for clean-up, the Navy had proposed restricting occupant use of the soil surrounding the housing for fruit and vegetable gardens.

Responses to Finding

Mayor's Office October 7, 1998

We agree that occurred. However, the Project Office has successfully persuaded the Navy to rescind the restriction. As the Civil Grand Jury notes in this finding, the Navy did suggest that environmental clean-up of the housing areas was unnecessary since

these areas previously served Navy families at Navy standards. However, the current Executive Director of the TI Project has emphasized to the Navy that clean up of the housing areas must be performed to civilian residential standards. The Navy has established a clean up schedule for the housing areas and the planned rehabilitation of the housing stock will follow (rehabilitation will begin after the Navy cleans up an area). There will be no restrictions on gardens for those residential units.

City Attorney September 8, 1998

We partially disagree. Although the Navy may have, at one time, proposed such a restriction, to the best of our knowledge, the Navy does not now intend to impose any such restrictions.

Finding: The Navy Is Pursuing Toxic Clean-Up

The Navy is pursuing a multi-phased approach to toxic clean-up and housing occupancy in order to begin making housing available at the earliest possible time.

Response to Finding

Mayor's Office October 7, 1998

We agree. As noted in the response to Finding (28) above, the Navy has established a clean up schedule for the housing areas and the planned rehabilitation of the housing stock will follow (after the Navy cleans up an area, rehabilitation will begin). TIDA and the Project Office closely monitor the Navy's progress and work closely to ensure that the work is completed expeditiously so that Treasure Island will once again be a safe, inviting place to residents and visitors.

PUBLIC USE

Uncontrolled public access is now permitted on Yerba Buena Island and on the causeway between the islands. Public access is not permitted beyond the guardhouse at the entrance to Treasure Island. When housing is occupied and the Police Academy, firefighter training facility and jail are operating, it should be feasible for TI to be open to the public with adequate police services in place.

Finding: Treasure Island Has No Basic Amenities

TI has no basic amenities like public transportation, grocery or convenience stores and public toilets.

Responses to Finding

Mayor's Office October 7, 1998

We mostly agree. Recent actions of TIDA and the Project Office have started to provide for basic amenities. Currently, limited daytime, weekday-only MUNI service is provided to TI and YBI. Although there are currently no grocery or convenience stores, the John Stewart Company, TIHDI and the Project Office are discussing the construction of a convenience store and other community facilities as part of the rehabilitation of the 660 units. In addition, TIDA has approved Delancey Street's rehabilitation and operation of a small cafe across from the Marina which would serve food and beverages. As noted above, the Authority has opened the western shore of TI to the public for weekend daylight hours for the remainder of 1998. "Port-a-potties" have been furnished as public restrooms.

City Attorney September 8,1998

We partially agree. Muni provides limited service to the Base. To the best of our knowledge, there are no public toilets or stores on the Base at this time. However, the Department of Public Works is currently negotiating an amendment to the Decaux Public Toilets Contract to put public toilets on the Base. In addition, it is unlikely a store will be economically viable until a critical mass of potential users exists on the Base. (The Navy heavily subsidized the store and other Navy amenities on the Base.)

Finding: Treasure Island Has No Police or Safety Services

TI has no police or safety services adequate for general use by the public.

Responses to Finding

Mayor's Office October 7, 1998

We disagree. As stated above, TIDA and the Project Office open Treasure Island on the weekends from 10 am to 5 pm to the public. To enable this access, the Project Office successfully solicited \$70,000 from three private and corporate donors to provide public safety services and some public amenities. This funding will pay for adequate safety services for visitors during the hours that Treasure Island is open to the public.

There is no current funding for additional officers for Treasure Island to provide unfettered general access. See response to Recommendation 19.

City Attorney September 8, 1998

We agree. Current levels of police and fire protection would be inadequate for unrestricted public access to the Base. Public protection services will need to be increased in proportion with any planned increases in public access to the Base.

Police Department May 26, 1999

With regard to Treasure Island staffing, the San Francisco Police Department continues to work with the T.I. staff in order to make sure that there will be an appropriate police presence on the island as its development progresses.

Finding: Public Facilities Are for Treasure Island Residents Only

There are no picnicking, park or playground facilities for non-resident use.

Recommendation 24: Public Facilities Should Be Made Available

The Recreation and Park Department and TIDA should develop park and playground facilities in order to make public access to the islands meaningful.

Responses to Recommendation

Mayor's Office October 7, 1998

We agree and have already implemented the recommendations. The Executive Director has solicited and secured private donations to open the western shore of Treasure Island to the public on weekends. The funds will enable the Authority to fence-off areas of potential danger to the public, add picnic tables, toilet facilities, and trash receptacles, as well as fund trash removal, additional police patrols, and staff to monitor public use. TI project staff continue to work diligently to develop revenue generating interim use activities for TI and YBI to fund the current, minimal levels of public services and reuse planning.

Recreation and Park Department October 5, 1998

The Department agrees with this finding and recommendation. However, the Recreation and Park Department should only be involved in the issuing of permits, scheduling and other administrative aspects of operating the parks.

Recommendation 25: The City and TIDA Should Make Basic Services a Priority

CCSF and TIDA should make early provision of basic services a priority so that TI may be opened to public use at the earliest possible time.

Response to Recommendation

Mayor's Office October 7, 1998

We agree and have already implemented the recommendations. The Executive Director has solicited and secured private donations to open the western shore of Treasure Island to the public on weekends. The funds will enable the Authority to fence-off areas of potential danger to the public, add picnic tables, toilet facilities, and trash receptacles, as well as fund trash removal, additional police patrols, and staff to monitor public use. TI project staff continue to work diligently to develop revenue generating interim use activities for TI and YBI to fund the current, minimal levels of public services and reuse planning.

ACCESS

On and off ramps from the Bay Bridge do not meet current Caltrans standards. Assessment of the access was conducted by the San Francisco Redevelopment Agency, and included in Existing Conditions.

Ferry service is anticipated in the Reuse Plan. Pier 12 on the east side of TI, and Pier 1, a fixed concrete pier which is in good condition on the southeast corner of TI, are the only sites with utilities now in place for a ferry landing. Currently a float is used at Pier 1 to accommodate the ferry. A protective breakwater would appear to be needed to utilize the west side Pier 23, which is a fishing pier.

Finding: Inadequate Access to Treasure Island and Yerba Buena Island

Access to TI and YBI is inadequate by land and water, and no adequate plan for providing or financing access has been presented to the public.

Response to Finding

Mayor's Office October 7, 1998

We partially agree. Development of comprehensive financing and transportation plans is one of the principal activities being undertaken as part of the conveyance process and the redevelopment planning process. In addition, the City is working with Caltrans to rebuild the ramps to and from the Bay Bridge to Treasure Island for safer and more efficient entrance and exit of motorists.

In the short term, however, we were able to successfully transport thousands of visitors to Treasure Island during the Labor Day weekend. Utilizing four ferry operators, thousands of visitors from the East Bay and San Francisco docked at Treasure Island's Pier 1. AC Transit provided timely, efficient bus service. Contrary to Caltrans doomsday predictions, no traffic jams materialized on the Bay Bridge. We fully expect that several ferry operators are interested in serving Treasure Island on a regular basis.

Recommendation 26: TIDA Should Develop a Plan for Financing Ferry Service

TIDA should develop a plan for financing adequate ferry service to TI.

Response to Recommendation

Mayor's Office October 7, 1998

We agree. We are confident that we can and have accomplished the provision of effective ferry service in the short run for our Labor Day event. Development of comprehensive financing and transportation plans for our long-term reuse plan is one of the principal activities being undertaken as part of the conveyance process and the redevelopment planning process. As stated above, bridge tolls are just one possible source of operating funds. In addition, ferry riders have proven to be more willing to pay higher fares than those paid by bus riders. Obtaining operating funds should not be an insurmountable obstacle.

Finding: The Reuse Plan Does Not Identify How the Ferry Service Will Be Funded

While the Reuse Plan proposes ferry service for TI, it gives no indication of how this would be funded.

Response to Finding

Mayor's Office October 7, 1998

We agree. The *draft* reuse plan does identify ferry service as the most likely means of accessing TI and YBI. Development of comprehensive financing and transportation plans is one of the principal activities being undertaken as part of the conveyance process and the redevelopment planning process. In addition, like all other jurisdictions operating regular ferry service, we will seek funding from the Metropolitan Transportation Commission (MTC), the California Transportation Commission and consult with the City's representatives in Sacramento and Washington.

Finding: Current Commuter Ferries Are Subsidized or Expensive

The commuter ferries currently operating on the Bay are either subsidized by bridge tolls or are quite expensive.

Response to Finding

Mayor's Office October 7, 1998

We agree that subsidies may be required to provide ferry service. All other Bay Area ferry service (Alameda, Oakland, Larkspur, Sausalito and even the wildly successful Vallejo) is subsidized. Bridge tolls are just one possible source of operating funds. In addition, ferry riders have proven to be more willing to pay higher fares than those paid by bus riders. Obtaining operating funds should not be insurmountable, given the effectiveness of our Mayor and legislative representatives. In addition, it is the goal of the Mayor, TIDA, and TI Project staff to develop a reuse plan for TI that produces sufficient revenues so that ferry services can be provided with minimal subsidies from San Francisco and/or all of the Bay Area.

Finding: Subsidies Needed to Make Ferry Fares Comparable to MUNI Fares

Ferries to TI would require substantial subsidies to make them comparable to MUNI fares.

Response to Finding

Mayor's Office October 7, 1998

We agree that subsidies may be required to provide ferry service. All other Bay Area ferry service (Alameda, Oakland, Larkspur, Sausalito and even the wildly successful Vallejo) is subsidized. Bridge tolls are just one possible source of operating funds. In addition, ferry riders have proven to be more willing to pay higher fares than those paid by bus riders. Obtaining operating funds should not be insurmountable, given the effectiveness of our Mayor and legislative representatives. In addition, it is the goal of the Mayor, TIDA, and TI Project staff to develop a reuse plan for TI that produces sufficient revenues so that ferry services can be provided with minimal subsidies from San Francisco and/or all of the Bay Area.

Finding: Subsidies for Treasure Island Ferries Will Be Comparable to Other Bay Area Ferries

Subsidies for TI ferries are unlikely to be higher than those required for Alameda, Oakland and Vallejo ferries once ridership reaches 800 to 1,000 passengers per day.

Response to Finding

Mayor's Office October 7, 1998

We agree that subsidies may be required to provide ferry service. All other Bay Area ferry service (Alameda, Oakland, Larkspur, Sausalito and even the wildly successful Vallejo) is subsidized. Bridge tolls are just one possible source of operating funds. In addition, ferry riders have proven to be more willing to pay higher fares than those paid by bus riders. Obtaining operating funds should not be insurmountable, given the effectiveness of our Mayor and legislative representatives. In addition, it is the goal of the Mayor, TIDA, and TI Project staff to develop a reuse plan for TI that produces sufficient revenues so that ferry services can be provided with minimal subsidies from San Francisco and/or all of the Bay Area.

Finding: Limited Capacity for Motor Vehicles on TI

There is insufficient acceleration lane capacity on the ramps entering the Bay Bridge, and therefore limited capacity for motor vehicles on TI.

Response to Finding

Mayor's Office October 7, 1998

We agree but the Mayor's Office is currently working with Caltrans to construct on and off ramps that will offer safer egress and entry to Treasure and Yerba Buena islands. Although an improvement, new ramps will not resolve the access problems to Treasure Island. That's one reason ferry service was selected as the transportation mode that could most likely be financed to increase access to TI for the reasons cited as well as others.

Recommendation 27: TIDA Should Develop a Plan for Increasing Motor Vehicle Access

TIDA should develop a plan for increasing motor vehicle access, and for the financing of that access. Replacement of the on and off ramps with new structures meeting Caltrans specifications should be included.

Response to Recommendation

Mayor's Office October 7, 1998

Caltrans' plans to construct a new east span for the Bay Bridge would not increase the Bridge's capacity to handle additional vehicles. The Bridge is currently at capacity. Caltrans has made it clear that its current funding source (SB 60) does not provide the funds to construct both a new east span with increased automobile capacity, construct a new west span to provide increased automobile capacity, and construct new ramps on TI. The construction of a new east span is being financed by a \$1 surcharge on each Bay Bridge toll for the next 8 years. Mayor Brown is working with the City's State legislative representatives and Caltrans to find additional funds to improve the ramps. Ramps "meeting Caltrans specifications" as suggested above could be so immensely large as to decimate large portions of Yerba Buena Island and eliminate the island's prime redevelopment opportunities

Finding: Existing Ramps Do Not Meet Current Caltrans Standards

Existing ramps on and off the Bay Bridge do not meet current Caltrans standards.

Response to Finding

Mayor's Office October 7, 1998

We agree but the Mayor's Office is currently working with Caltrans to construct on and off ramps that will offer safer egress and entry to Treasure and Yerba Buena islands. Although an improvement, new ramps will not resolve the access problems to Treasure Island. That's one reason ferry service was selected as the transportation mode that could most likely be financed to increase access to TI for the reasons cited as well as others.

Recommendation 28: Use Some Subsidies to Improve Access Ramps

TIDA should explore, with appropriate State agencies, the use of a portion of Bay Bridge tolls to subsidize ferry service and/or improve access for cars and buses, or to replace access ramps.

Response to Recommendation

Mayor's Office October 7, 1998

We agree. As noted above, bridge tolls are just one possible source of operating funds. In addition, ferry riders have proven to be more willing to pay higher fares than those paid by bus riders. Obtaining operating funds should not be an insurmountable obstacle.

Finding: A BART Stop on Yerba Buena Island or Treasure Island Will Be Costly

The existing BART tube is 500 feet south of YBI and below the Bay bottom. It would be costly and very disruptive to service to create a stop on YBI or TI.

Response to Finding

Mayor's Office October 7, 1998

We agree but the Mayor's Office is currently working with Caltrans to construct on and off ramps that will offer safer egress and entry to Treasure and Yerba Buena islands. Although an improvement, new ramps will not resolve the access problems to Treasure Island. That's one reason ferry service was selected as the transportation mode that could most likely be financed to increase access to TI for the reasons cited as well as others.

Recommendation 29: TIDA Should Explore Subsidies From All Other Sources

TIDA should further explore all possible avenues of subsidy from federal, state and regional sources for improved access to the islands.

Response to Recommendation

Mayor's Office October 7, 1998

We agree that subsidies may be required to provide ferry service. All other Bay Area ferry service (Alameda, Oakland, Larkspur, Sausalito and even the wildly successful Vallejo) is subsidized. Bridge tolls are just one possible source of operating funds. In addition, ferry riders have proven to be more willing to pay higher fares than those paid by bus riders. Obtaining operating funds should not be insurmountable, given the effectiveness of our Mayor and legislative representatives. In addition, it is the goal of

the Mayor, TIDA, and TI Project staff to develop a reuse plan for TI that produces sufficient revenues so that ferry services can be provided with minimal subsidies from San Francisco and/or all of the Bay Area.

Recommendation 30: The City and TIDA Should Explore the Feasibility of Rail Access

The City and TIDA should explore whether rail or light rail access is feasible.

Response to Recommendation

Mayor's Office October 7, 1998

We agree. The November ballot in Oakland, San Francisco and Emeryville contains an advisory measure asking voters if they are in favor of installing rail on the Bay Bridge. If implemented, the islands could be soon served by such light or heavy rail.

Recommendation 31: Regular Bus Service to Treasure Island Should Be Provided

The City and TIDA should provide regular bus service to TI.

Response to Recommendation

Mayor's Office October 7, 1998

We strongly agree. MUNI currently provides daytime weekday service to TI and YBI, but lacks the funds to increase these services. The Authority will continue to explore alternate means of transportation to TI, including shuttles.

Recommendation 32: TIDA Should Explore the Impact of New Bridge Construction

TIDA should explore with Caltrans and the Metropolitan Transportation Commission the impact of new bridge construction on TI and YBI.

Response to Recommendation

Mayor's Office October 7, 1998

We couldn't agree more. TI Project staff has written letters and extensively testified to the damage done to both existing historic and economically viable structures on Yerba Buena Island. We have attempted to work with both Caltrans and MTC to change the preferred alignment, the northern alignment, to a route which would not devastate Yerba Buena Island. The City Attorney is exploring all legal avenues of redress. The Project Office staff is preparing an economic analysis of the damage caused by the construction of the new span on that alignment. In addition, we have taken action to alert the Mayor, our legislative representatives, and our delegates to MTC.

Recommendation 33: Use Tax Increment Bond Authority Appropriately

TIDA should consider whether improved access is an appropriate use of its Tax Increment Bond authority.

Response to Recommendation

Mayor's Office October 7, 1998

We agree. Tax increment capacity is a function of the tax revenues generated by new development in redevelopment areas. Certainly the development of TI must address access issues and the Redevelopment Plan will address funding such access. We look forward to a constructive discussion on the matter.



Appendix A

Members of the 1997-1998 San Francisco Civil Grand Jury



Members of the 1997-1998 San Francisco Civil Grand Jury

Elizabeth A. Zitrin, Foreperson

Julian E. Hultgren, Secretary

Miriam A. Armstong

Maureen L. Bitoff

George G. Breed

Bertha Concha

Carl L. Goldstein

Rosalind W. Graham

Walter J. Hanna

Robert A. Jung

Gretchen A. Kane

John Lockley

Maria Lourdes-McIntyre

Jeanne Powell

Maureen Reardon

Mary Elizabeth Ruhl

Michele D. Stratton

Gudrun Thompson

John J. Walsh



City and County of San Francisco OFFICE OF THE CONTROLLER

STATUS OF THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE 1998-99 SAN FRANCISCO CIVIL GRAND JURY



DOCUMENTS DEPT

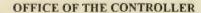
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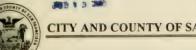
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Edward Harrington Controller

Matthew H. Hymel Chief Assistant Controller



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0 of the City's Administrative Code, the Controller's Audits t on the status of the implementation of the recommendations of Civil Grand Jury (Civil Grand Jury).

e findings and recommendations of the reports issued by the onses to those recommendations by the various city departments ally issued, and the current status of the implementation of those

EDWARD M. HAKRINGTON

Controller



Edward Harrington Controller

Matthew H. Hymel Chief Assistant Controller

July 31, 2000

Board of Supervisors City and County of San Francisco City Hall, Room 244 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102.

President and Members:

As required by Section 2.10 of the City's Administrative Code, the Controller's Audits Division presents its report on the status of the implementation of the recommendations of the 1998-99 San Francisco Civil Grand Jury (Civil Grand Jury).

This report summarizes the findings and recommendations of the reports issued by the Civil Grand Jury, the responses to those recommendations by the various city departments when the reports were initially issued, and the current status of the implementation of those recommendations

Respectfully submitted,

EDWARD M. HARRINGTON

Controller



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CHAPTER 1 LAGUNA HONDA HOSPITAL

BACKGROUND

he 1998-99 Civil Grand Jury investigated options for the replacement process of Laguna Honda Hospital (hospital). According to the Civil Grand Jury, the hospital is in disrepair and in violation of federal regulations. Without compliance on issues ranging from patients per ward and structural and seismic repair, the hospital will lose the integral federal funding that covers the majority of expenses for patient care. Without these federal monies, the hospital will not be able to function solely with local funding, thus reducing care services and patient population and, perhaps, closing of the hospital. There are no other facilities for these patients to be transferred to. It has been forecasted that in the next ten to fifteen years, there will be a marked increase in the public that will need a facility like the hospital.

The Laguna Honda Hospital Replacement Committee, headed by Louise Renne, City Attorney, and Mitchell Katz, Director of Public Health, made exhaustive studies into how the hospital could be rehabilitated. In addition to the main buildings with their open wards, there is another structure, Clarendon Hall, which was built in 1909 and is used for assisted living patients. It was their recommendation that they should be torn down and new facilities constructed. The committee's report was sent to the San Francisco Health Commission, which approved it and sent it to the Board of Supervisors where it was sent to the Finance and Labor Committee. This committee must take action by June 15, 1999 and the full board has until July 19, 1999 to pass an ordinance calling for a general obligation bond election. July 23, 1999 is the last day for submission to the Director of Elections.

RESULTS

The Civil Grand Jury made eight recommendations and required responses from the following:

Mayor Board of Supervisors Health Commission City Attorney Laguna Honda Hospital

Finding: Cost Is an Obstacle for Support of the General Obligation Bond

The cost factor is the biggest obstacle facing support for the general obligation bond. The bond measure is for \$437 million - the largest ever - but \$65 million less than one proposed in July 1998 - which was dropped after tenants groups promised to fight the measure unless they were protected from possible rent increases.

Recommendation 1: Rebuild Laguna Honda Hospital

The hospital needs to be rebuilt now. The time for procrastination is over. Federal funding is essential to keep the hospital open.

Recommendation 2: Support Proposed Bond Issue

The Mayor and the Board of Supervisors must support the proposed bond issue. Passage of the proposition may be vital to the continued long term well being of many of the City's residents, especially its senior citizens.

Recommendation 3: Avert Landlord and Tenant Confrontation

A solution must be found to avert the threatened confrontation between landlord interests and tenant groups. The problem of who will bear the brunt of the increase in taxes imperils the passage of the bond issue.

Response to Recommendations

Steve Kawa Director of Legislative Affairs Office of the Mayor October 15, 1999

We agree that with the recommendation that Laguna Honda Hospital must be rebuilt to continue to provide long term care to many of the City's senior citizens. We also support the bond measure to replace the Hospital placed on the November 2, 1999 ballot.

Finding: Tobacco Funds May Be Used to Defray Some Costs

The planning committee hopes to defray some of the costs by using tobacco monies. The City should receive about \$585 million over a 25-year period. However, there is no assurance of when or how much the City will get or if the hospital is to receive the entire amount - as recommended by Louise Renne. The committee is also seeking to obtain some funding from state and federal sources, but nothing is guaranteed at this time.

Recommendation 4: Do Not Divert Tobacco Settlement Money

All possible steps must be taken to ensure that the tobacco settlement money will not be diverted to other uses. Without that source of funds, rebuilding a 1,200 bed facility seems unlikely.

Response to Recommendation

Louise H. Renne City Attorney Office of the City Attorney November 1, 1999

The fourth recommendation states in part that "all possible steps must be taken to ensure that the tobacco settlement money will not be diverted to other uses." The ordinance placing the proposed bond issue on the ballot contains a provision which requires the use of tobacco settlement money to reduce the property tax impact by applying such revenue "(a) to finance the acquisition, improvement, construction and/or reconstruction costs of such facilities, and (b) to pay the principal and redemption price of, interest on, reserve fund deposits, if any, and/or financing costs for the obligations authorized hereby."

Finding: Approving the General Obligation Bond Will Need Cooperation From All Groups

Since a general obligation bond requires a 2/3 approval by the electorate, it will need cooperation from all groups to pass. A revenue bond, which would only require a simple majority of the voters, was rejected as it would cost \$50 million more.

Recommendation 5: Do Not Include Competing Ballot Bond Measures

Other proposed bond measures should be held in abeyance until funding of the hospital's rebuilding is assured. Competing bond issues on the same ballot could spell the death knell of the Laguna Honda Hospital measure. It would be especially unwise to include a bond measure for parks and recreation on the next ballot.

Response to Recommendation

Louise H. Renne City Attorney Office of the City Attorney November 1, 1999

As to the fifth recommendation, which states in part that "other proposed bond measures should be held in abeyance until funding of Laguna Honda's rebuilding is assured," the City has not placed any other proposed bond measure on the November 1999 ballot.

Recommendation 6: Keep Planned Capacity for Facility

The ballot measure should not be modified in a manner, which will deliver to the City a facility, which will fall short of the capacity of the facility now planned.

Response to Recommendation

Louise H. Renne City Attorney Office of the City Attorney November 1, 1999

The sixth recommendation states that "the ballot measure should not be modified in a manner which will deliver to the City a facility which will fall short of the capacity of the facility now planned." The ballot measure adopted by the Board of Supervisors on June 21, 1999 and approved by the Mayor on June 25, 1999 has not been amended, modified or rescinded as of the date of this letter.

Recommendation 7: Obtain Corporate Backing

San Francisco should attempt to gain corporate backing for the facility to assist in financial aspects of the project in addition to funding from state and federal sources.

Recommendation 8: Conduct Positive Public Relations Campaign

A positive public relations campaign needs to be implemented so that the public understands the necessity and benefit to the City for keeping the hospital.

GENERAL RESPONSES

Gloria L. Young Clerk of the Board Board of Supervisors August 23, 1999

With respect to the items regarding Laguna Honda Hospital . . . , please be advised that proposed Charter amendments regarding the aforementioned issues were reviewed and discussed by the Board of Supervisors at their meetings this spring and subsequently placed on the ballot of the November 2, 1999, Consolidated Municipal Election.

Mitchell H. Katz, M.D. Director Department of Public Health August 24, 1999

The Department of Public Health ("Department") is in receipt of the 1998-99 Civil Grand Jury report on the replacement of Laguna Honda Hospital. In accordance with sections 933 and 933.05 of the Penal Code, the Department would like to inform you that it agrees with the recommendations of the 1998-99 Civil Grand Jury.

We appreciate the diligent work that the Civil Grand Jury undertook in investigating options to replace Laguna Honda Hospital. We are pleased that the Grand Jury has concluded that the skilled nursing facility must be rebuilt and that the Jury supports the placing of a bond measure to replace the Hospital on the November 2, 1999 ballot.

Louise H. Renne City Attorney Office of the City Attorney November 1, 1999

The City Attorney agrees with the Grand Jury's findings in this report. All of the recommendations in the Grand Jury's report raise policy matters for other City departments. However, the City Attorney agrees with the Grand Jury's report and is working with the Department of Public Health to ensure that these recommendations are implemented as to the first, second, third, seventh and eighth recommendations.

Gloria L. Young Clerk of the Board Board of Supervisors May 31, 2000

This is in response to your letter of May 31, 2000, concerning recommendations of the Civil Grand Jury for fiscal year 1998-99. The Board of Supervisors has no direct jurisdiction over the various departments referred to in the report. However, the Board of Supervisors may hold a hearing on any issue in the report and suggest recommendations

Monique Zmuda Chief Financial Officer Department of Public Health June 5, 2000

The Grand Jury recommended that the Department of Health investigate options for the replacement of Laguna Honda Hospital, and that the City support a general obligation bond to fund the replacement of Laguna Honda Hospital.

The voters approved Proposition A on the November 1999 ballot authorizing the issuance of a \$299 million general obligation bond for the purpose of replacing Laguna Honda Hospital. The City's revenues from the Tobacco Settlement will also be used to fund the project.

Since the Department developed and proposed a plan to replace the hospital and since the bond was passed, we consider this recommendation implemented.

Louise H. Renne City Attorney Office of the City Attorney June 16, 2000

The Laguna Honda bond measure was passed by the voters in November, 1999. As a result of the successful passage of the bond measure, there has been no need to take any further steps with respect to implementing the Grand Jury's recommendations.

Willie L. Brown, Jr. Mayor Office of the Mayor June 15, 2000

The Mayor's Office agrees with the Civil Grand Jury recommendation to replace the Laguna Honda Hospital and Rehabilitation Center. In November of 1999 voters approved Proposition A, a bond measure authorizing the issuance of a \$299 million general obligation bond for the purpose of replacing Laguna Honda Hospital.

CHAPTER 2 PUBLIC UTILITIES COMMISSION

BACKGROUND

The San Francisco Public Utilities Commission (PUC) oversees three of the City's municipal utilities: The Hetch Hetchy Project, which consists of water supply and power-generating facilities in the Sierra Nevada; the water treatment and distribution system; and the wastewater treatment and disposal system, which collects and treats sewage and storm water flows within San Francisco.

Each of these three utilities represents a separate enterprise within the PUC with an independent financial report. Four divisions are responsible for the operation of the utilities.

Hetch Hetchy Water and Power Division Water Supply and Treatment Division City Distribution Division Water Pollution Control Division

In addition to these four operating divisions, there are nine bureaus that provide technical and administrative support services. This approach, according to the PUC, eliminates duplication of effort and contributes to more efficient operations.

RESULTS

The Civil Grand Jury did not make any recommendations in its report but required responses from the following:

Mayor Board of Supervisors Public Utilities Commission Department of Public Works Purchasing

Finding: The Water Pollution Control and Sewer Operations Division Faces Critical Challenges

Many of the sewer pipes (discharge system) have been in use for more than 150 years. For several years it has been hoped that a long-range plan could be worked out for the systematic, much needed replacement of the sewer system. There are over 1,500 sewer repairs that are needed, and it is estimated that it will cost approximately \$12.9 million to complete. At the present time, due to a lack of funding, it has not been possible to develop a long-term replacement program for the City Sewer System. It is the opinion of the Grand Jury that the City cannot continue to use a BAND-AID approach to such a vital and necessary service.

Finding: Replacing the City's Water Pipes Is a Critical Issue

The Water Department City Distribution Division's responsibility is to distribute high quality water, operate and maintain storage and distribution facilities, and maintain in-City lands and property under the operation and control of the Public Utilities Commission. The division is faced with the fact that many of the City's water pipes are 100 years or older. A five-year plan has been developed for replacement of water pipes throughout the City. This, however, is an ever-changing schedule and is modified or changed as circumstances dictate. It is their goal to replace 100 blocks a year. This is in addition to the emergency and Band-Aid repairs that need to be made. It is the opinion of the Grand Jury that the replacement of water pipes is also a critical issue and one that has to be addressed without further delay.

Finding: The City's Water Supply and Treatment Facilities Need Upgrading

The Water Supply and Treatment Division assumes responsibility for water from Hetch Hetchy at the Tesla Portal in Alameda County. From there, the water is conveyed through four pipelines to customers located in Alameda, Santa Clara, and San Mateo Counties, as well as San Francisco. The Division provides another 15 percent of the total water supply from reservoirs located in the East Bay and on the Peninsula. These local water sources require filtration and treatment at two points.

Recently, the Division had modified the treatment process at Sunol to enhance flocculation and sedimentation; modified the chemical feed system at Harry Tracy Water Treatment Plant; installed remote controls for the Thomas Shaft disinfection station; inspected and repaired 19 miles of transmission pipelines; initiated a valve exercising and maintenance program, which is intended to operate, inspect, and maintain each valve in the transmission system every two years.

As with the other Divisions, there is an ever-increasing need to upgrade the present infrastructure. With new technology and the ever-changing state and federal regulations, this Division continues to be alert for ways to improve and increase the water supply to its customers.

Finding: Hetch Hetchy Water and Power Division

The Hetch Hetchy Water and Power Division is responsible for more than 85% of San Francisco's water supply and for the generation of electricity from that resource. Approximately one third of the electricity is used by the City's municipal customers (e.g., the Municipal Railway, the Recreation and Parks Department, the Port, City hospitals, street lighting, the Moscone Center, and the water and sewer utilities). The balance of the power is sold to other publicly owned utilities, such as the Modesto and Turlock Irrigation Districts. The Hetch Hetchy Projects consists of reservoirs, hydroelectric power plants, aqueducts, pipelines, and transmission lines. This system carries water and power from the Sierra Nevada more than 165 miles to customers in San Francisco and the Bay Area.

Electric power generated at the four power plants is conveyed through approximately 165 miles of high voltage transmission lines to delivery points for the Modesto and Turlock Irrigation Districts, and through interconnection with Pacific Gas and Electric's system for transmission to San Francisco for municipal purposes.

As the result of an agreement reached with Pacific Gas and Electric Company last year, a number of municipal and large industrial customers would be turned over to Hetch Hetchy Water and Power. Power sales to these customers are projected to produce net revenues of approximately \$37 million over the next four-and-a-half years.

Through its Bureau of Energy Conservation, Hetch Hetchy has further developed its inhouse capability to provide a broad array of energy services, including design consultations, construction, operations, and maintenance of electric distribution facilities. The Bureau of Energy Conservation has completed design reviews for several important City projects, that are expected to result in substantial savings in energy costs.

GENERAL RESPONSES

Steve Kawa Director of Legislative Affairs Office of the Mayor October 15, 1999

The Mayor's Office supports the Civil Grand Jury's finding that long-term planning for the City's Sewer and Water Systems is necessary. Towards this goal, the PUC developed a 10-year capital plan in 1996, which emphasizes system reliability and quality. This plan is used to identify and update priority projects. There are numerous improvements identified in the plan that are currently in progress, including environmental review of upgrading sewer treatment for better handling of solid waste and the disinfecting process to protect the water supply.

Gloria L. Young Clerk of the Board Board of Supervisors August 23, 1999

Pursuant to Section 933 of the California Penal Code, the Board of Supervisors submits the following response to the report filed by the 1998-99 Civil Grand Jury. With respect to the items which requested a response from the Board of Supervisors, please be advised that the Board of Supervisors has no direct jurisdiction over the Public Utilities Commission, San Francisco International Airport, or the Sheriff's Department. To that end, the Board of Supervisors will not hold a formal hearing on the Report. Board members may either call for a hearing at the Committee level, or contact you directly with informal comments should they desire to do so.

Mark A. Primeau, AIA Director Department of Public Works September 22, 1999

The Grand Jury was critical of the backlog of sewer repair projects and the age and vulnerability of the City's sewer system in general. It noted that due to a lack of funding, it has not been possible to develop a long-term replacement program for the City's sewer system.

The Department of Public Works receives work orders from the Public Utilities Commission for emergency sewer repairs, routine scheduled sewer repairs, and for spot paving. City forces and/or contract managers ensure that work that we have agreed to perform is completed in a timely, professional and cost effective manner. The PUC

tells us where to do work based on their analysis of where problems are most severe. Their funding for this work comes through the City's sewer service charge, the rates for which are set by the PUC itself. Although DPW does not perform any planning or analysis on sewer repair, we stand ready to assist the PUC in retiring the backlog of sewer repair projects as funds are made available for this purpose.

Gloria L. Young Clerk of the Board Board of Supervisors May 31, 2000

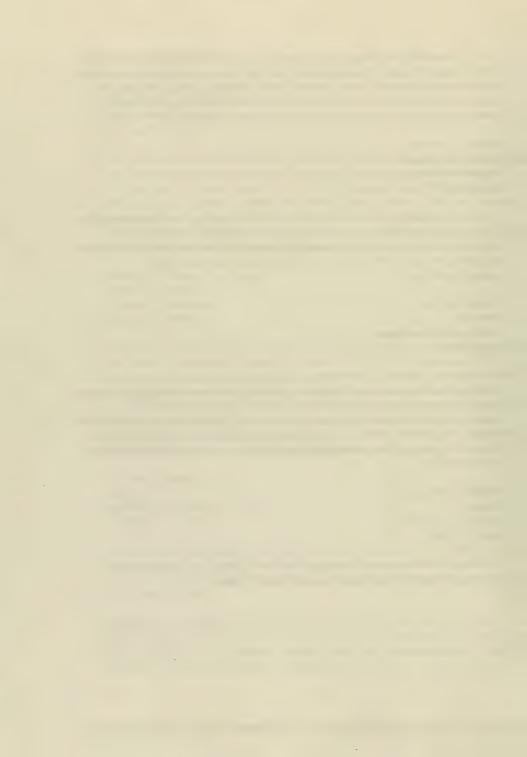
This is in response to your letter of May 31, 2000, concerning recommendations of the Civil Grand Jury for fiscal year 1998-99. The Board of Supervisors has no direct jurisdiction over the various departments referred to in the report. However, the Board of Supervisors may hold a hearing on any issue in the report and suggest recommendations.

Edwin M. Lee Director Purchasing Department June 26, 2000

I am making a general response because the report has not made findings or recommendations relating to the Purchasing Department. Because of the significant and unique procurement needs of the PUC, many years ago PUC and Purchasing established a satellite purchasing group in the PUC offices. This has made possible the service level that PUC needs. With the impending rehab of the entire water delivery system, we anticipate that the staffing and structure of this satellite office may need to be reexamined.

Willie L. Brown, Jr. Mayor Office of the Mayor June 15, 2000

The Mayor's Office continues to support the PUC's position from October 1999 regarding long-term planning for water and sewer systems.



CHAPTER 3 SAN FRANCISCO INTERNATIONAL AIRPORT VIP PARKING

BACKGROUND

The 1998-99 Civil Grand Jury investigated the VIP parking program at the San Francisco International Airport. According to the Civil Grand Jury, individuals selected by the Airport Director, and those nominated by the five members of the Airport Commission, are permitted to park in the Valet Parking area of the Airport garage. Although these individuals are not entitled to valet service, they may park free of charge for a period usually not to exceed 72 hours, and never to exceed 7 days. The charge for parking at the Airport is \$22.00 per day, while parking at the Valet Parking area is \$35.00 per day. Those given passes and entitled to park free of charge include federal, state, and local government officials and employees, as well as private individuals. Before 1992, there were 5,000 passes outstanding. When Mr. John Martin became Director of the Airport in 1996, there were approximately 365 passes outstanding. He has reduced the number of passes issued and today the Airport issues 182 passes.

The Civil Grand Jury identified the following problems:

- No written records are kept of those parking in the garage, or when they park and for how long, except records are kept of parking by certain elected officials so that they may avoid violating certain laws relating to limits on acceptance of gifts.
- There is no record from which the cost of the VIP Parking policy may be calculated.
- There is no written documentation governing the VIP Parking program at the Airport.
 The policy has been neither approved nor disapproved by the Board of Supervisors (although all Supervisors have passes). The policy has existed for decades and has likely existed as long as the Airport has charged for parking. Similar programs exist at all major airports, not just at San Francisco International Airport.

RESULTS

The Civil Grand Jury made one recommendation and required responses from the following:

Mayor Board of Supervisors Director of San Francisco International Airport Airport Commission

Finding: The Policy of Allowing Preferential Free Parking Is Not in the Best Interests of the City

The Airport has continued a policy over a period of many years, probably decades, which is similar to policies followed at other major airports across the country. Nevertheless, the Civil Grand Jury finds that this policy is not in the best interest of the taxpayers or residents of San Francisco. While the cost to the City is probably minimal, it is not wise to continue a policy which grants elitist style benefits to a few, who are chosen in a manner that suggests favoritism. The Civil Grand Jury believes that it is in the best interests of San Francisco to terminate this anachronism. It may be more a matter of appearance than real substance, but the time has come to change an outmoded policy.

Recommendation: Terminate the VIP Parking Program

The VIP Parking program should be terminated forthwith. There should be no exceptions for private persons or for government employees or elected officials:

Responses to Recommendation

Steve Kawa Director of Legislative Affairs Office of the Mayor October 15, 1999

It is the responsibility of the Airport Commission to determine policy which ensures that the Airport is operated in a lawful and profitable manner.

The Mayor's Office applauds the steps taken by Airport staff to reduce the number of permits issued under this policy, from 5,000 in 1992 to 182 today. The Mayor's Office agrees with the Airport Director's action to further limit and monitor the use of these permits to ensure that this policy is conservatively applied and not abused.

Gloria L. Young Clerk of the Board Board of Supervisors August 23, 1999

Pursuant to Section 933 of the California Penal Code, the Board of Supervisors submits the following response to the report filed by the 1998-99 Civil Grand Jury. With respect to the items which requested a response from the Board of Supervisors, please be advised that the Board of Supervisors has no direct jurisdiction over the Public Utilities Commission, San Francisco International Airport, or the Sheriff's Department. To that end, the Board of Supervisors will not hold a formal hearing on the Report. Board members may either call for a hearing at the Committee level, or contact you directly with informal comments should they desire to do so.

Henry E. Berman President Airport Commission October 14, 1999

On behalf of the Members of the San Francisco Airport Commission, I am pleased to respond to the 1999 Civil Grand Jury Report.

It is the duty and responsibility of the Airport Commission to ensure that the Airport is operated in a lawful manner that protects the interest of the City and County of San Francisco. With this in mind, the Airport Commission is encouraged to see that the Civil Grand Jury's Report found that the issuance of restricted parking permits "does not rise to the level of scandal or major impropriety."

However, the Airport Commission must respectfully disagree with the Civil Grand Jury's assessment that it is in the best interest of San Francisco to terminate the issuance of restricted parking permits at the Airport.

As the policy body of a business enterprise operated by the City, it is the Commission's obligation to ensure that the Airport is operated in a financially successful manner. The Commission believes that the issuance of restricted parking permits assists in meeting this obligation by ensuring that Airport business associates have access to Airport facilities when engaging in activities benefiting the Airport and elected officials have similar access when engaged in official business.

With this in mind, the Airport Commission respectfully declines to accept the Civil Grand Jury's recommendation that the issuance of Airport Restricted Parking Permits be terminated. The Airport Commission will instead accept the Airport Director's recommendation to continue the issuance of such permits based on the reasoning presented in his letter to you, dated October 14, 1999, responding to the Grand Jury Report.

John L. Martin Director San Francisco International Airport October 14, 1999

In reviewing the Report, I was pleased to find it confirms the Airport's long-held opinion that the issuance of Airport Restricted/VIP Parking Permits is legal and permissible. This sentiment is evidenced in the first paragraph of the "findings" section of the Report pertaining to this issue, in which the Jurors find that there is not "anything substantially wrong with the present policy and ... it does not rise to the level of a scandal or major impropriety."

Despite these findings, the Grand Jury suggests that it is in the best interest of San Francisco that the present restricted parking policy be terminated. With all due respect to the members of the Civil Grand Jury, I must respectfully disagree. I would instead suggest that it is in the best interest of San Francisco that the policy be continued.

San Francisco International Airport is a business enterprise. The Airport deposits over \$22 million dollars a year into the City's General Fund - the largest sum any Airport in the United States forwards to its host governmental jurisdiction. The amount of money the Airport provides to the City each year is based on a percentage of revenues generated at the Airport. With this in mind, it is easy to see that the better the Airport performs from a business and financial perspective, the greater the benefit to San Franciscans.

It is Airport staff's belief that it is in the Airport's financial interest that the Airport's business partners be provided access to Airport facilities that assist them in performing functions benefiting the business operations of the Airport. The restricted parking permits allow the permit holders convenient access to Airport offices and facilities. With this in mind, I have recommended to the Airport Commission that the Airport continue the policy allowing for the issuance of restrict parking permits to our business partners.

I have also recommended that the Airport to continue to provide restricted parking permits to governmental officials. As part of the national aviation system, the Airport is responsible for serving the national, state and local interest. We believe that it is not only completely appropriate, but it is the Airport's responsibility to accommodate elected officials while traveling in their official capacity.

I would like to take this opportunity to commend the members of the Transportation Committee of the Civil Grand Jury on conducting a thorough and complete investigation by asking pertinent and thoughtful questions. However, I am disappointed the Jurors came away with the misperception that the Airport's restricted parking policy in the product of an "old boys network" and represents "improper favoritism."

As I stated above, restricted parking privileges are reserved for business associates of the Airport. Over the past eight years, Airport staff has taken a number of steps to ensure that this is the case. Prior to 1992 there were approximately 5000 restricted parking passes outstanding, today this number has been reduced to 182 permits issued. Additionally, new procedures for the use of restricted parking privileges have been adopted and implemented this year. I have directed the Airport's parking management contractor to closely monitor and document the use of all restricted parking permits. All restricted parking privileges are now limited to no more than 15 overnight stays in a calendar year, with the exception of governmental officials traveling on official business. All permit holders must present photo identification upon entering the restricted parking and the name on the piece of identification must match the name on the permit.

I appreciate the opportunity to respond to the 1999 Civil Grand Jury Report. Should you or a member of the Grand Jury have any questions or require additional information, please feel free to contact me.

Gloria L. Young Clerk of the Board Board of Supervisors May 31, 2000

This is in response to your letter of May 31, 2000, concerning recommendations of the Civil Grand Jury for fiscal year 1998-99. The Board of Supervisors has no direct jurisdiction over the various departments referred to in the report. However, the Board of Supervisors may hold a hearing on any issue in the report and suggest recommendations.

John L. Martin Director San Francisco International Airport June 5, 2000

In its 1998-99 Report, the San Francisco Civil Grand Jury recommended that San Francisco International Airport terminate the issuance of restricted parking privileges that are granted to governmental officials and Airport business associates.

In October of 1999, Airport Commission President Henry E. Berman forwarded a letter to Judge Alfred Chiantelli informing him that the Airport Commission respectfully disagreed with the Civil Grand Jury's (Jury) assessment of the Airport's restricted parking permit policy and declined to implement the Jury's recommendation that the policy be terminated. In his letter, Commission President Berman references my own letter to Judge Chiantelli outlining steps the Airport has taken to ensure that the policy is not abused.

Willie L. Brown, Jr. Mayor Office of the Mayor June 15, 2000

The Mayor's office agrees with the Airport Commission's decision to decline the recommendations of the Civil Grand Jury. We support the Airport's restricted parking policy, which is monitored by the Airport's Director to prevent abuse.



CHAPTER 4 THE SAN FRANCISCO MUNICIPAL RAILWAY

BACKGROUND

The 1998-1999 San Francisco Civil Grand Jury investigated the San Francisco Municipal Railway (Muni) because of the visible difficulties faced by Muni and the wide coverage of these difficulties by the local media. According to the Civil Grand Jury, it found Muni to be a Department floundering as a result of many years of neglect by a series of mayors and the Board of Supervisors, all of which utterly failed in their duty to provide it with proper funding, adequate management and support. The Department is a victim of political maneuvering which has sacrificed the best interests of Muni and the public to further individual priorities. Policy decisions appear to have been made for political reasons. Whenever budgets had to be trimmed, Muni was one of the primary targets for frugality. Most of all, Muni has suffered greatly from a lack of effective management over a period of some time.

The current administration has restored some of the needed funding, although the increase appears to fall far short of what is needed to restore Muni to a respectable, efficient transit system. The current administration has also attempted to create an atmosphere where long range planning might prosper. The Mayor's creation of the New Muni Task Force and the Muni Council were positive steps in attempting to cure the present crisis.

RESULTS

The Civil Grand Jury made 25 recommendations in its report and required responses from the following:

Mayor Board of Supervisors Director of San Francisco Municipal Railway Director of Human Resources Controller Director of Purchasing Budget Analyst

Finding: Muni Has Lost Experienced Employees

The Board of Supervisors placed the Early Service Retirement referendum on the ballot in 1991, but apparently took insufficient steps to protect Muni from loss of a large number of experienced employees. Insufficient measures were provided to be certain that new employees could be hired and trained to take the place of those who seized the early retirement opportunity.

Again, in 1993, the Board of Supervisors placed a measure, Proposition M, on the ballot without ensuring that Muni would be protected during its separation from the PUC. Certain functions of Muni, especially its Human Resources operations, were especially impacted. The Human Resources operations have not yet recovered from this event.

Response to Finding

Michael T. Burns General Manager Public Transportation Department October 18, 1999

We agree that a number of employees left Muni after the 1991 Early Service Retirement ballot measure passed. Muni has taken steps to address the issues that arose from the passage of the 1993 ballot measure which separated Muni from the Public Utilities Commission. As one example, Muni has reorganized the Human Resources division and has successfully focused its efforts on hiring new employees for the division.

Recommendation 1: Separate Muni From Political Process

The operations of Muni should be separated from the political process as much as possible. Muni should be run by professionals, especially those with significant transit experience, not by politicians. Muni must have management capable of anticipating, meeting and overcoming major changes imposed by laws enacted by the Board of Supervisors or the electorate.

Responses to Recommendation

Michael T. Burns General Manager Public Transportation Department October 18, 1999

This recommendation will be implemented if San Francisco voters pass the Muni charter amendment on the November 1999 ballot. If passed, the new Municipal Transportation Agency will take control of Muni on July 1, 2000.

Michael T. Burns General Manager Municipal Transportation Agency July 18, 2000

<u>Update</u>: In November 1999, over 60 percent of San Francisco voters passed Proposition E, the Muni charter amendment that created a quasi-independent agency called the Municipal Transportation Agency. This agency incorporates Muni and, in 2002, the Department of Parking and Traffic. On March 1, 2000 the Municipal Railway became a department of the Municipal Transportation Agency and a newly appointed Municipal Transportation Agency Board of Directors assumed all powers and duties of the former Public Transportation Commission.

As a result of Proposition E, Muni is overseen by a new policy board, the MTA Board, and receives support from a Citizens Advisory Committee that began meeting in July. Muni has greater authority over personnel and labor relations, administration and service changes, and budget and funding. Muni is also strongly encouraged to create performance measures and incentives for Muni employees. In addition, Proposition E reduces the role of the Mayor and Board of Supervisors.

Finding: Muni Has Been Underfunded for Many Years

Muni needs a guaranteed, annual source of funding, which is not subject to the whims of the local political process. Muni needs the ability to raise funds by assessment or other guaranteed sources so that it need not compete with other City Departments for a share of monies available in the General Fund.

Response to Finding

Michael T. Burns General Manager Public Transportation Department October 18, 1999

We agree that Muni needs a guaranteed annual source of funding.

Recommendation 2: Muni Should Be an Independent Agency

Muni should become an independent agency, either within the government of the City, or independent of the City, with separate funding sources and the ability to raise its own tax revenues. Ideally, no portion of Muni's funding would be dependent on the General Fund.

Responses to Recommendation

Michael T. Burns General Manager Public Transportation Department October 18, 1999

The goal of this recommendation will be implemented if San Francisco voters pass the Muni charter amendment on the November 1999 ballot. If passed, Muni will have a dedicated source of funding and will not need to compete with other City departments for funding from the City's General Fund.

Michael T. Burns General Manager Municipal Transportation Agency July 18, 2000

<u>Update</u>: Proposition E has made Muni significantly more financially independent than previously. It created a "Municipal Transportation Fund," which can be used solely by Muni (and later, Muni and DPT). The Fund contains Muni's fare revenues, a significant portion of City parking revenues, regional sales tax revenues received by Muni from the Metropolitan Transportation Commission, revenues from sources such as advertising, and the City's contribution from the General Fund.

One of the most significant financial changes in Proposition E is the guarantee that Muni will receive a base amount of funding from the City's General Fund. This makes Muni much less subject to dramatic fluctuations in funding than in the past. Proposition E's funding formula requires the General Fund contribution to increase or decrease each year by the same percentage as the City's overall discretionary revenues. To the extent that Muni seeks more General Fund support in any given fiscal year than is called for by the formula, it must go through the regular budgetary review process with the Mayor's Office and the Board of Supervisors.

Finding: Muni's Department of Human Resources Has Deficiencies

The operations of the Public Transportation Department's Human Resources (PTD HR) appear to be so outdated, unorganized and dysfunctional, that they hamper every other aspect of Muni operations. The cumbersome Civil Service rules for hiring and placement of new employees adversely affect all Muni divisions. Work rules imposed on Muni through collective bargaining with its unions hamper the efficient operation of the system. While current efforts are being made to remedy the problems, the Grand Jury believes that

the issues are so global that PTD HR lacks the resources and expertise to successfully complete the task. Very recent efforts at modernizing the operations of PTD HR and benefiting from cooperation with the City's HRD are encouraging.

Response to Finding

Michael T. Burns General Manager Public Transportation Department October 18, 1999

We agree with the finding that the operation of our Human Resources (HR) division is hampered by outdated and unorganized processes, which impacts various aspects of Muni operations, but disagree that the issues are too global to successfully complete the task of creating an efficient HR operation. While this sort of radical global change does require a certain length of time, great improvements have been noted over the last year and will continue to be noted in the future.

As referenced in the report, all HR staff now have appropriate computer equipment. Staff continues to receive training to support this new equipment. Local area networks have been established, which allow for effective processing of HR matters. In addition, an interim computerized position control system was established to provide accurate position reporting information until the City's PeopleSoft system becomes fully operational. Currently, Muni utilizes the electronic requisitioning process provided by PeopleSoft. This feature alone has significantly streamlined the requisition processing, which has allowed for more expeditious hiring of employees. In addition, Muni has achieved "full staffing" of full time transit operators for the first time in approximately 10 years. Testing and exams for transit operator are continuing to ensure an ongoing pool of qualified applicant to fill available positions.

Muni's budget, approved by the Mayor and the Board of Supervisors for fiscal year 1999-2000, provided for five additional positions in HR which greatly assists in addressing staffing issues within this unit and will result in more efficient service.

Recommendation 3: Consolidate Equal Employment and Labor Relations Functions

The Equal Employment Opportunity and the Labor Relations functions of Muni should be consolidated under a single director. Muni should seek outside, expert assistance to reshape PTD HR and revamp its Civil Service rules. To the extent necessary, the Mayor and the Board of Supervisors should seek voter approval of amendments to the Civil Service rules and other ordinances or charter provisions which impede Muni's ability to hire, place, discipline, and fire employees in a reasonable manner.

Responses to Recommendation

Michael T. Burns General Manager Public Transportation Department October 18, 1999

We disagree with the recommendation that the Equal Employment Opportunity (EEO) and labor relations functions of Muni should be consolidated under a single director. There is a strong belief that, given the importance of the EEO function and its need for autonomy, this unit must be separate from the labor relations function to avoid any conflict of interest. As a result, these units have been placed in separate divisions in order to avoid any real or perceived conflict of interest.

We agree with the recommendation as to reshaping HR and revamping its Civil Service rules. The Muni charter amendment on the November 1999 ballot provides the necessary mechanism to implement this recommendation. However, the issues of discipline and firing employees is, in most cases, a subject of collective bargaining and not related to the Civil Service Commission rules.

Michael T. Burns General Manager Municipal Transportation Agency July 18, 2000

<u>Update</u>: Though there has been some concern in the past regarding the consolidation of Labor Relations and EEO, in November 1999 a new Deputy General Manager, Larry Williams, was hired to oversee Human Relations, Labor Relations and EEO. In the short period of time that he has been on the job, Mr. Williams has already reorganized these divisions of Muni. Mr. Williams is a recognized innovator in developing and implementing collaborative labor-management partnerships, new approaches to discipline and performance improvement and cost-saving strategies. He has over 19 years of top level management experience with BART where he served as Assistant General Manager for Administration.

Recommendation 4: Improve Collective Bargaining Agreements

Muni should continue to negotiate improvement of the terms of the collective bargaining agreements with its unions to enhance its ability to hire, place, discipline, and fire its employees. While some progress has been made under the current administration, it is not enough.

Responses to Recommendation

Michael T. Burns General Manager Public Transportation Department October 18, 1999

We agree with the recommendation relating to collective bargaining agreements. In addition, we recognize the need to better train managers and supervisors in all areas including training in the disciplinary processes. We are currently in the process of preparing for upcoming contract negotiation and are identifying those provisions of the contract where changes will be recommended.

Michael T. Burns General Manager Municipal Transportation Agency July 18, 2000

<u>Update</u>: Proposition E provides Muni with increased flexibility to restructure its HR functions. For most personnel who are considered "service critical," Muni will take over the current functions of DHR, making the hiring process more efficient and expeditious. However, the issues of discipline and firing employees is, in most cases, a subject of collective bargaining and not related to the Civil Service Commission rules.

In June 2000, Muni and Transport Workers Union (TWU) Local 250-A completed negotiations on a new four year contract. The contract was recently rejected by Muni employees, and Muni management and union leaders are in the process of determining next steps. New discipline procedures are addressed in the new contract.

Recommendation 5: Provide Necessary Funding for Human Resources

The Mayor and Board of Supervisors should provide whatever funding is necessary to properly staff PTD HR and provide it with the necessary equipment and software to perform its assigned functions.

Responses to Recommendation

Michael T. Burns General Manager Public Transportation Department October 18, 1999

We agree with the final recommendation in this section as to funding. While this year's

budget has provided a significant increase in staff for HR, the sufficiency of this staffing is currently being evaluated. It will depend, in part, on the passage of the Muni charter amendment on the November 1999 ballot and on the manner in which those functions currently being provided by the City's centralized HR Department will be absorbed by our HR.

Michael T. Burns General Manager Municipal Transportation Agency July 18, 2000

<u>Update</u>: All HR staff now have appropriate computer equipment. Staff continues to receive training to support this new equipment. Local area networks have been established, which allow for effective processing of HR matters. In addition, the City's PeopleSoft system has become fully operational. This feature alone has significantly streamlined the requisition processing, which has allowed for more expeditious hiring of employees. Muni continues to work with DHR and Civil Service to explore ways to streamline the HR process and procedures to create more effective management of staff and/or hiring.

Muni is also in the process of implementing a new software application. The new system, TESS, consolidates employee information and provides management with more timely information on individual employment records (i.e., absences, sick leave, etc.).

In addition, Muni is currently reviewing a new web-based software application to streamline the applicant screening process, thereby freeing up staff to focus on recruitment and retention.

Muni's budget, approved by the Mayor and the Board of Supervisors for fiscal year 2000-2001, provided for additional positions in HR which greatly assists in addressing staffing issues within this unit and will result in more efficient service.

Finding: Muni Needs Independent Negotiators With Its Unions

Muni is currently unable to adequately negotiate with its unions. Muni will never achieve reasonable, practical work rules with its unions until it is represented by negotiators who are not politically dependent on the good will of those unions.

Response to Finding

Michael T. Burns General Manager Public Transportation Department October 18, 1999

We disagree with this finding. The elimination of "miss-outs" as part of the 1999 re-opener negotiations with Local 250A indicates that Muni management is working aggressively to improve work rules. The proposed charter amendment would provide Muni management with greater control in future negotiations.

Michael T. Burns General Manager Municipal Transportation Agency July 18, 2000

<u>Update</u>: Muni is dedicated to working on issues pertaining to hiring and discipline. The elimination of "miss-outs" as part of the 1999 re-opener negotiations with TWU Local 250-A indicates that Muni management is working aggressively to improve work rules.

In addition, new discipline procedures are addressed in the new four year contract recently negotiated with Local 250-A. Though Muni employees rejected the contract, Muni management is committed to restructuring the disciplinary process.

Recommendation 6: An Independent Agency Should Govern Muni

Muni needs to be governed by an independent agency, preferably one which is headed by personnel not appointed by the Mayor or the Board of Supervisors. It should not be subject to the political whims or control of either.

Responses to Recommendation

Michael T. Burns General Manager Public Transportation Department October 18, 1999

The goal of this recommendation will be implemented if San Francisco voters pass the Muni charter amendment on the November 1999 ballot. If passed, the charter amendment will allow for a Board of Directors appointed by the Mayor and confirmed

after public hearing by the Board of Supervisors. The Board of Directors then will appoint the Director of Transportation, who will serve at the pleasure of the Board of Directors.

Michael T. Burns General Manager Municipal Transportation Agency July 18, 2000

<u>Update</u>: In November 1999, over 60 percent of San Francisco voters passed Proposition E, the Muni charter amendment that created a quasi-independent agency called the Municipal Transportation Agency. This agency incorporates Muni and, in 2002, the Department of Parking and Traffic. On March 1, 2000 the Municipal Railway became a department of the Municipal Transportation Agency and a newly appointed Municipal Transportation Agency Board of Directors assumed all powers and duties of the former Public Transportation Commission.

As a result of Proposition E, Muni is overseen by a new policy board, the MTA Board, and receives support from a Citizens Advisory Committee. Muni has greater authority over personnel and labor relations, administration and service changes, and budget and funding.

Proposition E reduces, but does not eliminate, the role of the Mayor and Board of Supervisors. All seven members of the MTA Board were appointed by the Mayor and confirmed by the Board of Supervisors. However, unlike the previous Public Transportation Commissioners, the new Board members can only be removed for cause. The Board members must have relevant experience and at least four of them must be regular Muni riders. Their terms range from one to four years. The Director of Transportation serves at the pleasure of the MTA Board of Directors.

In addition, Proposition E establishes a fifteen-member Citizens Advisory Committee. Four of the members were appointed by the Mayor, and 11 members were appointed by the Board of Supervisors.

Finding: Muni Lacks a Well-Formulated Capital Acquisition Program

Muni has no proper capital acquisition program. The practice of driving vehicles far beyond their useful lives is not cost effective and results in excessive maintenance costs. Buses and trolleys should be replaced on a periodic basis, using information gathered from a proper vehicle maintenance system.

Response to Finding

Michael T. Burns General Manager Public Transportation Department October 18, 1999

We disagree with this finding. Muni has had, and continues to have, a capital acquisition program that addresses vehicle replacement as well as facility and other capital investment priorities. The Capital Improvement Program, as it is known, sets priorities for Muni and balances those priorities against funding that is projected to be available. Muni does not control the fund sources that are available for capital investment. Most sources are available for legislatively specified purposes, are available on a competitive basis, and are capped to prevent single investment needs from absorbing all the available capital resources. Competing needs within Muni, and in the Bay Area region (where Muni competes with other transit properties for capital funds), have made it difficult for Muni to access the funds necessary for a timely replacement of vehicles and for other capital investments. This has led to a delay in replacing the fleet (while fund "banking" was necessary to accumulate enough funding) which has been exacerbated by regional fund capping policies.

Recommendation 7: Establish an Effective Capital Acquisition Program

Creation of an independent agency to operate Muni would remove capital acquisitions from the political process. It is essential that Muni establish, and follow, an effective capital acquisition program, based on a proper vehicle maintenance system which tracks all repairs made to each vehicle together with all costs of repairs and maintenance, and a sound preventative maintenance system.

Responses to Recommendation

Michael T. Burns General Manager Public Transportation Department October 18, 1999

The creation of an independent agency is a matter of public policy that cannot be addressed by Muni. However, many of the constraints mentioned in the Findings section (above) will continue to exist regardless of Muni's organizational structure.

Michael T. Burns General Manager Municipal Transportation Agency July 18, 2000

<u>Update</u>: Muni has had, and continues to have, a capital acquisition program that addresses vehicle replacement as well as facility and other capital investment priorities. The Capital Improvement Program sets priorities for Muni and balances those priorities against funding that is projected to be available. Muni does not control the funding sources that are available for capital investment. Most sources are available for legislatively specified purposes, are available on a competitive basis, and are capped to prevent single investment needs from absorbing all the available capital resources. Competing needs within Muni, and in the Bay Area region (where Muni competes with other transit properties for capital funds), have made it difficult for Muni to access the funds necessary for a timely replacement of vehicles and for other capital investments.

Part of Muni's established Capital Improvement Program is the Fleet Acquisition Program. This program secured funding to allow Muni to replace its entire fleet. Currently, five diesel buses are being replaced every week through the end of 2000. In 2001, Muni will be replacing its trolley coaches and will have completed its LRV replacement. The budgeting to implement the acquisition program (in terms of labor needed to do the work) is now in the hands of the MTA Board and not the Board of Supervisors or the Mayor.

In addition, once the new maintenance tracking system is in place, Muni will be able to link vehicle maintenance information into the fleet plan.

Finding: Muni's Facilities Need Improvement

Muni offices are cramped, generally without proper computerization. Facilities are dingy, poorly laid out and lack sufficient space for proper storage of records and materials. Premises are uninviting. Their poor condition is hardly likely to improve employee morale or productivity. In many cases, better working conditions are deemed vital to the success of Muni. There has been a recent transfer of some groups to improved temporary quarters at 401 Van Ness Avenue. However, further improvement in this area is critical.

Muni's Central Control represents an excellent example of the inadequacy of Muni's facilities. The Central Control facilities are located underground, near the West Portal Station. There is insufficient space for storage of materials; employees must work in overcrowded stations, bereft of proper functional design. The conditions are cramped and claustrophobic, with little effort to provide a comfortable working atmosphere. Apparently there are plans to expand this facility in the near future, and to move it in a few years. Expansion and redesign cannot come too soon.

The offices at each of the yards are antiquated, small and inefficient. Offices at the Presidio yard are an example of this problem and are hopefully destined for early replacement.

Response to Finding

Michael T. Burns General Manager Public Transportation Department October 18, 1999

We agree that inadequate working facilities have been a problem in the past, but Muni has been working diligently to improve this area and has made significant progress. The move of 90 administrative employees to 401 Van Ness Avenue, for example, has helped to upgrade office conditions for them, as well as allow for improvements in their prior location at 949 Presidio. The replacement and upgrade of the computer system is underway. Central Control is a current focus for improvement at Muni. Many other projects at numerous Muni facilities are in progress.

Recommendation 8: Redesign Central Control

Central Control serves a vital function in the operations of Muni. Muni's Central Control must be expanded and should be redesigned, with an effort to make it functional and to provide an efficient, pleasant atmosphere for its employees. Sufficient storage space must be provided to eliminate the ubiquitous clutter. Muni should seek professional assistance in the design of an efficient proper facility.

Responses to Recommendation

Michael T. Burns General Manager Public Transportation Department October 18, 1999

Muni is currently in the process of implementing improvements to working facilities, such as the recommendations in the grand jury report. Central Control is being modified and improvements have already been made or will be completed soon. Examples include the removal of unneeded equipment to reduce cramped conditions, the installation of new computers and a new computer network, as well as ergonomic workstations, the upgrading of the heating and ventilation systems, the replacement of lighting, the replacement of old ceiling tiles with new ones that are better able to absorb sound and the application of a fresh coat of paint. Muni is developing long-term plans for expanding and updating Central Control and is seeking funding for this major project. The time frame for completion, however, will depend upon Muni's success in

obtaining funding for this project-Muni currently has only \$8,500,000 in hand for a project that will cost \$92,000,000. Concurrently, Muni is working on improvements to other facilities, including the Woods Maintenance Facility and the Potrero division, the construction of the 700 Pennsylvania Ways and Structure Maintenance Facility and the design for a new bus yard at Islais Creek. All of these projects and improvements, as well as others set forth in the Facilities Preservation and Improvement Program, are addressed in Muni's Capital Improvement Program, but are subject to the funding limitations described in the "Muni Capital Acquisition Program" section above.

Michael T. Burns General Manager Municipal Transportation Agency July 18, 2000

<u>Update</u>: Muni has completed several projects to modify and improve the work space at Central Control: 1) removed unneeded equipment to reduce cramped conditions; 2) installed new computers and a new computer network, as well as ergonomic workstations; 3) upgraded the heating and ventilation systems; 4) replaced lighting and old ceiling tiles with new ones that are better able to absorb sound; 5) built new custom cabinets and tables; and, 6) applied a fresh coat of paint.

Muni is developing long-term plans for expanding and updating the Central Control facility and related communications equipment. A considerable investment is necessary to update the technologies in the Central Control facility to today's standard. These upgrades will improve reliability and safety and increase Muni's ability to more efficiently manage the provision of daily transit service, provide real-time passenger information, and support vehicle maintenance and parts inventory systems.

New technologies requiring a Central Control interface include on-board safety and security systems and vehicle maintenance/inventory management systems. Also, Muni must replace outmoded communications systems. Current systems do not allow for multi-channel two-way communications, real time passenger information data exchange and other features that will enhance safety, incident management, and general efficiency across the transit system.

Muni is currently seeking funding for this major project. The time frame for completion will depend upon Muni's success in obtaining funding for this project.

Recommendation 9: Modernize Other Muni Offices and Facilities

Other Muni offices and facilities need to be modernized, expanded and redesigned.

Additional pace must be provided at most of the yards so that maintenance work may be performed efficiently at night, when all of the vehicles are parked in the yards.

Response to Recommendation

Michael T. Burns General Manager Municipal Transportation Agency July 18, 2000

<u>Update</u>: Muni has been working diligently to improve office space for administrative staff and has made significant progress. The move of 90 administrative employees to 401 Van Ness Avenue, for example, has helped to upgrade office conditions for them, as well as allow for improvements in their prior location at 949 Presidio. The replacement and upgrade of the computer system is continuing.

Muni is also working on improvements to transit and maintenance facilities, including the Woods Maintenance Facility and the Potrero division. The beautiful new Ways and Structure Maintenance Facility at 700 Pennsylvania was completed in May 2000, and provides much needed additional space. Design for a new bus yard at Islais Creek is underway. And, a new maintenance facility for LRVs, Metro East, is in the design and engineering phase. This facility will relieve overcrowding at Green Division and accommodate the growth in the LRV and Historic LRV fleets for the Third Street and F-Line service.

In addition, Muni is looking at purchasing or constructing an administrative office building to consolidate dispersed administrative functions and reduce dependence on costly and inefficient leased space. Administrative functions are scattered among seven separate administrative sites, the majority of which are leased. The current arrangement is inefficient in terms of operating costs and staff time and interaction.

Finding: Muni's Preventative Maintenance Program Is Not Cost Effective

Muni's preventative maintenance system is not cost effective. Its Vehicle Maintenance System should be replaced by a modern, properly designed system which will meet all of Muni's maintenance needs. It is vital to track the costs associated with all maintenance and repair of vehicles to permit proper planning for replacement of vehicles. The system should be designed so that mechanics and other service workers can input data.

Response to Finding

Michael T. Burns General Manager Public Transportation Department October 18, 1999

We agree that it is difficult to measure the cost effectiveness of our Preventative Maintenance (PM) Systems. This is a complex issue due to the seventeen different fleets that we will be supporting by the end of the year. The PM requirements and cycles differ significantly among the modes. The following, for informational purposes, are the modes, broken down by fleet.

Rail
Boeing Vertol-1975
LRV2 (Breda car) 1995-99
PCC
Historic streetcars (cars from all

over the world, all different)

<u>Diesel</u>
FLYER-1984 (standard)
MAN-1984 (artic)
New Flyer-1989 (standard)
NABI-1999

NABI-1999 Orion-1990 (30 foot) Flyer-1980 (Reserve fleet) New Flyer-1991 (artic) Trolley
Flyer Trolley-1976 (standard)
New Flyer Trolley-1992 (artic)
ETI Standard Trolley –1999
ETI Artic Trolley-1999

<u>Cable Car</u> CALIFORNIA CAR POWELL CAR

We agree that both the mainframe based Vehicle Maintenance System (VMS) and the mainframe based Materials Management System (MMS) should be replaced by a modern, properly designed system that will meet all of Muni's maintenance needs. Some of the larger vendors of integrated software products on the market, with whom we have met recently, include Indus, Spear, Tenera, Mincom and Prototype. We currently have a program in Muni's Capital Improvement Plan for replacement of the VMS/MMS system. The project, named Integrated Vehicle & Facilities Maintenance System/Inventory Control, provides for the replacement of the legacy mainframe systems (VMS & MMS) developed in-house in the mid-1980's. The new system would be a client/server version, which would support bar coding, an image-based online parts catalogue and ad hoc reporting. All maintenance activities on vehicles and infrastructure would be tracked, along with warranty, serialized components, preventive maintenance, campaigns, etc. Linkage to Central Control for tracking of roadcall activities would be preferred.

We agree that cost tracking is an important component for the replacement of vehicles. Currently, when we are in the process of phasing out older vehicles and bringing in a new fleet, we run reports showing vehicles with the highest number of repairs in order to determine which vehicles are potential candidates for replacement.

We agree that any system that we purchase should be designed in such a way that partial/full input could be achieved through bar coding, swiping ID cards, imaging systems/touchscreen technology, pop up fields, hand held input devices for the field, etc. The system must be compatible and interface with our electronic hubs and fuel management systems.

Recommendation 10: Design a Maintenance/Inventory System

A personal computer software system should be designed for use in all yards and on all vehicles. It should use a Cost Classification number to keep track of all preventative maintenance, regular maintenance, and repairs including all costs pertaining to each vehicle. With that system, Muni could determine whether a vehicle should be scrapped or whether it is cost effective to continue maintaining it. All spare or replacement parts used should be tracked and the system should serve as an inventory control to alert the purchasing department of the need to reorder parts.

The system should be capable of tracking all information necessary for maintaining and enforcing warranties on all parts and vehicles. It should alert management when warranties are due to expire so that enforcement procedures may be scheduled and pursued.

While such a system should not be difficult to create, sufficient prior input should be elicited from those who will actually use the system. It should adequately address the needs of service and maintenance personnel and allow them to run a well ordered shop.

Responses to Recommendation

Michael T. Burns General Manager Public Transportation Department October 18, 1999

Muni is working to implement this recommendation. There is \$800,000 in the current budget for consulting funds, of which a share will be used for the Integrated Vehicle and Facilities Maintenance/Inventory Control System, and we are actively competing for more funds to implement the project. We agree with the recommendations that the system should be designed for use in all yards and on all vehicles, should use a Cost Classification number for better tracking and should be capable of tracking all

information necessary for maintaining and enforcing warranties. Muni already communicates with other transit authorities (such as AC Transit) and City agencies on their current maintenance/inventory systems and plans for upgrades.

Michael T. Burns General Manager Municipal Transportation Agency July 18, 2000

<u>Update</u>: The Operating Division at Muni has successfully obtained \$2.9M in grant funds to procure a new integrated, interactive, state-of-the-art Vehicle Maintenance, Facilities Maintenance and Inventory Control System to meet Muni's identified information technology needs in this area. The money will be available later this year, at which time an RFP will be issued. In anticipation of the RFP being issued and a new management team in place, Muni will be scheduling a series of vendor demos over the next few months.

Muni remains behind the technological times in its systems for vehicle maintenance, facilities maintenance and inventory control. Replacement of the current, outdated mainframe systems that were developed in-house by Muni in the mid-80's is a high priority for Muni. These old systems are based on old technology. They provide Muni with a limited capability for monitoring and improving the condition of its vehicles and stocking the inventory of supplies required for proper maintenance of those vehicles. The result of continued use of this outdated technology is Muni's reduced ability to put its vehicles out on the streets and, with it, to provide reliable service to its riders.

The proposed new system would use advanced technology to track the condition of Muni's vehicles. Important information, such as revenue vehicle availability, preventative maintenance scheduling, maintenance history, warranty information and online and ad-hoc reports for all of Muni's vehicles, would be readily available electronically to Muni maintenance personnel. Buses should actually be able to "speak" to Muni, to tell Muni what service they need and when they need it. This feature would include flagging those times when vehicles need specific work required by warranty. This state-of-the-art technology should ultimately link to Muni's new Central Control Facility so that it can track on-the-street activities.

The following is the project cost breakdown and an overview of the benefits this new system will provide:

Project Cost

Data Conversion/Customization: \$1,000,000

Includes converting historical Vehicle Maintenance and Inventory Control records from the mainframe Vehicle Maintenance System (VMS) and the Materials Management System (MMS) to an Oracle based system, as well as scanning all the necessary "parts manual pages" and the linkage necessary for the online imaging capabilities. Imaging Systems and Touchscreen Technology allow the mechanics and parts room staff to call up an image of a vehicle and an exploded parts view for whatever part of the vehicle being working on. By clicking/touching the on screen image of the part, they can then check on parts availability and even transmit a parts request. Staff will also be loading additional data that current systems cannot handle in terms of accurate descriptions for stock items, along with electronic warranty data from fleet procurements.

System Software: \$1,750,000

- System Software for 150 concurrent users
- Service Support Contract (An additional 17 percent of total system cost for annual fee. This is a standard industry cost.) After the first year, this amount will be budgeted as a baseline operating budget item.
- Purchase of the following Modules which make up a complete integrated system:
 - 1. Vehicle Maintenance Module
 - 2. Inventory Control Module
 - 3. Purchasing Module
 - 4. Facilities Maintenance Module

Implementation/Training: \$500,000

Hardware: \$250,000

Benefits

The current legacy mainframe systems went into production over 14 years ago. Though at the time they were "state of the art", they no longer offer Muni the functionality and ease of use as the current client-server based systems do. The current systems offer significantly improved capability for data manipulation & analysis leading to more cost effective maintenance and inventory management practices. Along with increased information sharing, reduced data entry effort and easier movement within the systems, Muni will reduce data error rate by only entering data once, not in several screens as is currently the practice. The reduced data entry can also be achieved through bar coding, swiping ID cards, imaging systems, touchscreen technology, pop up fields, hand held

input devices for the field, etc.

Muni would significantly improve materials requirements forecasting which would, in turn, reduce revenue vehicle and equipment downtime, along with reducing inventory investment. With an integrated Vehicle/Facilities and Inventory Control System, costs could be captured against each vehicle or each repair activity. Staff would be able to record and monitor all areas of cost and would be able to analyze the cost effectiveness of retaining or scrapping a vehicle or an overhaul vs. replacement for components. Another significant cost decrease would be achieved with a Warranty Module which allows for the downloading of new vehicle data electronically for warranty purposes. Each vehicle would retain a warranty profile where every serialized component under warranty can be initialized with a "trigger" that generates specific work activities required by warranty, has warranty time frames in terms of miles, days or even hours and tracks warranty repairs at several levels. Reports are generated daily and weekly, as warranties are about to expire. With the linkage to an inventory control system, Muni could track repairs made with in-house parts versus vendor supplied parts, in-house labor (at straight or OT pay) versus vendor supplied labor or any combination of labor and parts. Muni has spoken with other transit systems who have experienced significant increases in recouping warranty claims when they moved to an integrated client-server based system. This money would be returned to the operating budget and would fund additional staff to maintain and operate revenue vehicles and keep service on the streets.

Some other areas that would improve efficiency and potentially reduce costs include the following:

- 1. GPS/Event Monitors
- 2. Work Planning/Staff Utilization/Special Skills
- 3. Balanced Scorecard Measure Organization
- 4. Notification via E-Mail
- 5. Incident Tracking
- 6. Trend Analysis
- 7. Maintenance Patterns
- 8. FTA Best Practices and compliance with annual NTD Reporting Requirements
- 9. Cost per route
- 10. Facilities track overhead, track by segment and special work

Recommendation 11: Consult With Other Agencies to Identify Potential Systems

Muni should consult with other transit agencies to determine what systems are in use elsewhere. It would be a great mistake for Muni to attempt to reinvent the wheel and design a new system from the ground up. Muni should look to successful systems and adopt proven methods.

Responses to Recommendation

Michael T. Burns General Manager Public Transportation Department October 18, 1999

Muni already communicates with other transit authorities (such as AC Transit) and City agencies on their current maintenance/inventory systems and plans for upgrades.

Michael T. Burns General Manager Municipal Transportation Agency July 18, 2000

<u>Update</u>: Muni continues to communicate with other transit authorities, both locally and nationally, and other City agencies on the success of their current maintenance/inventory systems and plans for upgrades.

Recommendation 12: Storekeepers Should Be on Duty Whenever Service Work Is Performed

To permit better tracking of parts, storekeepers should be on duty at all times that maintenance and service work is performed. Storekeepers should report to the yard superintendent. No parts should be taken from the tool crib without accurate recordation. Whatever system is finally adopted, it must be a system where there is a clear chain of accountability.

Responses to Recommendation

Michael T. Burns General Manager Public Transportation Department October 18, 1999

We agree that, ideally, a storekeeper should be on duty while maintenance work is being performed. Full staffing at all yards (seven days per week/24 hours per day) would require a minimum of 25 additional storekeepers and may not be cost effective in the less active yards. A more cost-effective approach might be to use six additional storekeepers who would be designated as floaters. They could operate out of one of the larger storerooms on an on-call basis. In the budget for fiscal year 2001, we will request an additional six storekeepers (two per shift over seven days) to operate as floaters and cover all storerooms on an as-needed basis. We do not agree, however, that

storekeepers must report to the yard superintendent. An inventory control process that centralizes storekeeping functions under a materials manager can be effective and ensure that proper policies and procedures are adhered to, and facilitate staffing between the storerooms. Ideally, the yard superintendent would work closely with local storekeepers in the planning process to ensure that the proper parts will be available to support new fleet procurements, campaigns, major vehicle overhauls and or revised PM practices.

Michael T. Burns General Manager Municipal Transportation Agency July 18, 2000

<u>Update</u>: Ideally, a storekeeper should be on duty while maintenance work is being performed. Full staffing at all yards (seven days per week/24 hours per day) would require a minimum of 25 additional storekeepers and may not be cost effective in the less active yards. A more cost-effective approach involves the use of additional storekeepers who act as floaters. This fiscal year, Muni has budgeted for these floaters who will operate out of one of the larger storerooms on an on-call basis. In addition, Muni is working on an inventory control process that centralizes storekeeping functions under a materials manager. This will ensure that proper policies and procedures are adhered to, and will facilitate staffing between the storerooms. Ideally, the yard superintendent would work closely with local storekeepers in the planning process to ensure that the proper parts will be available to support new fleet procurements, campaigns, major vehicle overhauls and/or revised PM practices.

In addition, in the last few months Muni has undergone an organizational restructuring, making maintenance a separate division with a new deputy of maintenance whose priority will be preventive maintenance as well as stricter criteria for allowing buses into service. This new division, along with the new computer tracking system, will allow for stricter and better management of Muni's maintenance yards.

Recommendation 13: Establish System for Tracking Warranties on Vehicles

Muni should work with the City Attorney to establish a system for the tracking and enforcement of warranties on vehicles, and other major purchases, so that the City Attorney is alerted in a timely manner to permit enforcement of warranties.

Responses to Recommendation

Michael T. Burns General Manager Public Transportation Department October 18, 1999

We agree that working with the City Attorney is extremely helpful when we are dealing with major fleet defects and or component defects. For routine warranty measures, we would be able to coordinate vendor dealings in-house.

Michael T. Burns General Manager Municipal Transportation Agency July 18, 2000

<u>Update</u>: Muni does work with the City Attorney when dealing with major fleet defects and or component defects. For routine warranty measures, Muni will coordinate vendor dealings in-house.

Finding: Muni's LRV Program Should Be Monitored

Current public disapproval of Muni has been nurtured by repeated problems encountered in installing and operating Muni LRVs in the main tunnel from West Portal to the Embarcadero Station. The inability of the new computer software to control operations of vehicles while in the tunnel is well publicized and remedial efforts have been ongoing for some time. Because the situation is in a state of flux and many of the problems may be resolved when the entire fleet of new Breda cars is operational and noncommunicating Boeing cars have been retired or limited in use outside of the tunnel, this report will not comment extensively on that problem. Nor will this report address the decision of the Mayor and the Board of Supervisors to employ Booz-Allen as the city's consultant to help solve this problem. The Grand Jury does note, however, that the Budget Analyst has publicly indicated that employing Booz-Allen on lucrative terms may have been premature and ill-advised and that the tunnel problems will probably resolve themselves as the Breda cars are incorporated into the system.

Recommendation 14: Next Grand Jury Should Monitor LRV Contractor

The 1999-2000 Civil Grand Jury should monitor the progress of the Booz-Allen contract and resolution of the problems encountered in phasing in the new Breda cars, the operation of the Automatic Tracking System and the performance and payment of Booz-Allen. It should evaluate whether the Mayor was correct in letting the contract to Booz-Allen without competitive bidding.

Responses to Recommendation

Michael T. Burns General Manager Public Transportation Department October 18, 1999

The goal of this recommendation, the improvement of service in Muni's main tunnel, has been implemented.

Metro subway operation has been the subject of extreme scrutiny since the initial operation of Automated Train Control System (ATCS) in August 1998 that resulted in serious and well-publicized delays to service. Some immediate changes were made to the operation by Muni. The most significant was the removal of non-ATCS equipped Boeing cars from revenue service. This provided for all ATCS fleet and significantly increased subway throughput. In addition, a number of ATCS modifications by Alcatel, the supplier, have eliminated or significantly reduced door and entry problems that occurred in those startup weeks. The wayside hardware failures that occurred during the start up were repaired and have not reoccurred. Operator "rookie" mistakes have disappeared as operators have gained more experience with ATCS operation.

Besides these changes, Muni established the Metro Service Delivery Team by hiring Booz Allen & Hamilton to work with Muni managers to focus on improving subway operations. This team has identified four performance measures, or metrics, that are being used to monitor subway performance. The four performance measures are Daily Fleet in service, Line Failures (delays) per month, length of average system delays and on-time performance. Goals and milestones were established for each performance measure. Throughout this past year, there has been on-going monitoring of the Metro system's performance using these performance measures. Results to date have shown steady improvement in all areas.

The Metro Service Delivery Team has contracted with Alstom to improve Boeing light rail vehicle (LRV) availability and reliability by overhauling the doors, brakes and couplers of about 45 cars that will remain in service until all of the new tRV2s are delivered.

In addition, on-going training is being conducted for the Central Control Operators (CCOs) who operate the ATCS system daily. The Metro Service Delivery Team is also modifying the physical arrangement of the Central Control radio room and CCO workspace to provide a better working environment. Plans are underway to use the "Nextbus" global positioning system (GPS) technology to give CCOs and Metro inspectors access to information on the location of all Metro trains on the surface to allow for better line management.

Alcatel has continued to make changes to the ATCS software to correct deficiencies, eliminate problems or respond to needs identified by the Metro Service Delivery Team or the Muni ATCS Project team. In addition, Alcatel is preparing the final software release in the fall of 1999 that will provide some added functionality and an increased throughput capacity.

Michael T. Burns General Manager Municipal Transportation Agency July 18, 2000

Update: Muni has drastically improved its service in the Muni Metro main tunnel.

In addition to the removal of nearly all non-ATCS equipped Boeing cars from revenue service, Muni established the Metro Service Delivery Team by hiring Booz Allen & Hamilton to work with Muni managers to focus on improving subway operations. This team identified four performance measures, or metrics, that are being used to monitor subway performance. The four performance measures are Daily Fleet in service, Line Failures (delays) per month, length of average system delays and on-time performance. Goals and milestones were established for each performance measure. Throughout this past year, there has been on-going monitoring of the Metro system's performance using these performance measures. Results to date continue to show steady improvement in all areas.

In addition, training continues to be conducted for the Central Control Operators (CCOs) who operate the ATCS system daily. The Metro Service Delivery Team has modified the physical arrangement of the Central Control radio room and CCO workspace to provide a better working environment. Also, Muni is now using the "Nextbus" global positioning system (GPS) technology. This system gives CCOs and Metro inspectors access to information on the location of all Metro trains on the surface to allow for better line management.

Alcatel has continued to make changes to the ATCS software to correct deficiencies, eliminate problems or respond to needs identified by the Metro Service Delivery Team or the Muni ATCS Project team. In addition, Alcatel is currently preparing the final software release, which will provide some added functionality and increased capacity.

Finding: Muni Should Be Operated Independently of the City

Muni should become a separate, independent agency, as recommended by the Task Force and Rescue Muni. The Task Force and Rescue Muni recommended creating a Municipal Transit Agency because it would provide more autonomy and managerial scope than the present City department, but less independence than a completely separate transit district.

The Grand Jury prefers creation of an independent transit agency allowing the Agency to be further insulated from the politically motivated Board of Supervisors and the Mayor. Apparently the members of the Task Force also believe that an independent transit agency would be preferable, but believe that it is not politically attainable. The Task Force suggests that establishment of a truly independent agency would also raise certain funding complexities.

Background

The Mayor's New Muni Task Force and a public group, Rescue Muni, both drafted plans to improve Muni operations. Both recommended the creation of a Municipal Transit Agency that would provide more autonomy and managerial scope than the present City department, but less independence than a completely separate transit district. Under the Task Force's Plan, the Mayor would appoint the Agency's seven board members and their appointment would be confirmed by the Board of Supervisors. They could be removed by a concurrence of the Mayor and two-thirds of the Board of Supervisors. The Mayor and the Board of Supervisors would appoint a Community Advisory Committee. Under the Rescue Muni Plan, the Agency Board would also be appointed by the Mayor and the Board of Supervisors, but directors could only be removed for cause.

The Task Force proposes that the new Agency would merge with the City's Department of Parking and Traffic three years after its creation. Its plan would set specific goals which the Agency would be expected to meet three to five years after its creation. The Agency would honor Transit First provisions, placing the needs of public transportation over the needs of private vehicles.

The Task Force plan would empower the Board of Directors of the Agency to develop and negotiate with the union(s) to establish principles for merit pay and employee incentives, based on achieving service and performance goals. It would also establish a Community Advisory Council of representative citizens and handicapped persons.

Certain issues separate the two groups. First, Rescue Muni wants the merger of the Agency and the Department of Parking and Traffic to occur at the outset. The Task Force wants the merger of the two functions to wait for a period of three years, allowing the Director of the Agency time to launch it and resurrect Muni from its present morass.

Both groups agree that there must be service and performance standards, but there is disagreement as to whether the standards should be written into the legislation, set forth as objectives to be negotiated or be adopted by ordinance. Finally, the two groups differ on how to further Transit First policies. The Task Force believes that the policies should be developed by the Board of Supervisors.

Response to Finding

Michael T. Burns General Manager Public Transportation Department October 18, 1999

We agree that the New Muni Task Force made many useful suggestions for the improvement of Muni and support the charter amendment on the November 1999 ballot. The charter amendment provides for greater autonomy for Muni management, while also retaining oversight by elected officials.

Recommendation 15: Muni Should Be Separate From the City

Muni should be removed from operation as a Department of the City. It should become a separate agency, not answerable to the Mayor or the Board of Supervisors. It should be granted the greatest autonomy possible.

Responses to Recommendation

Michael T. Burns General Manager Public Transportation Department October 18, 1999

The goal of this recommendation will be implemented if San Francisco voters pass the Muni charter amendment on the November 1999 ballot. If passed, Muni management will gain greater autonomy in managing-and thereby improving-the system.

Michael T. Burns General Manager Municipal Transportation Agency July 18, 2000

<u>Update</u>: In November 1999, over 60 percent of San Francisco voters passed Proposition E, the Muni charter amendment that created a quasi-independent agency called the Municipal Transportation Agency. This agency incorporates Muni and, in 2002, the Department of Parking and Traffic. On March 1, 2000 the Municipal Railway became a department of the Municipal Transportation Agency and a newly appointed Municipal Transportation Agency Board of Directors assumed all powers and duties of the former Public Transportation Commission. On July 1, 2000, all the provisions of Proposition E took effect.

As a result of Proposition E, Muni is overseen by a new policy board, the MTA Board, and receives support from a Citizens Advisory Committee. Muni has greater authority over personnel and labor relations, administration and service changes, and budget and funding.

Proposition E reduces, but does not eliminate, the role of the Mayor and Board of Supervisors. All seven members of the MTA Board were appointed by the Mayor and confirmed by the Board of Supervisors. However, unlike the previous Public Transportation Commissioners, the new Board members can only be removed for cause.

In addition, Proposition E establishes a fifteen-member Citizens Advisory Committee. Four of the members were appointed by the Mayor, and 11 members were appointed by the Board of Supervisors.

Recommendation 16: Task Force Proposals Should Be Adopted

To the extent that the recommendations of the Task Force differ from those of Rescue Muni, the Grand Jury recommends that the proposals offered by the Task Force be adopted. It seems reasonable to wait for two or three years before merging the operations of the Department of Parking and Traffic into the operations of Muni. The new director of the Agency will have his hands full launching the new entity. It seems unnecessary to add to his startup problems.

Response to Recommendation

Michael T. Burns General Manager Municipal Transportation Agency July 18, 2000

<u>Update</u>: In November 1999, over 60 percent of San Francisco voters passed Proposition E, the Muni charter amendment that created a quasi-independent agency called the Municipal Transportation Agency. The final charter amendment was a collaborative process that included input from the Task Force, Rescue Muni, other transit advocates and representatives from the Mayor's Office, Board of Supervisors and other city agencies.

This new agency incorporates Muni and, in 2002, the Department of Parking and Traffic.

Recommendation 17: Consider Merit Pay for Employees

The Grand Jury favors individual merit pay, but is wary of an effort to establish fixed goals which, if met, could cost the City immense sums. If merit pay is to be provided, the Board of Directors of the Agency and the General Manager should establish the procedure. Merit pay and incentives should not be part of the established in the law creating the Agency.

Response to Recommendation

Michael T. Burns General Manager Municipal Transportation Agency July 18, 2000

<u>Update</u>: The new contract proposal negotiated with TWU Local 250-A includes incentive pay for operators. These incentives, if achieved, would be expected to pay for themselves through savings.

Incentive Pay (negotiated in new contract)

Overall accident reduction	\$150
Division accident reduction	\$250
Overall passenger service report reduction	\$150
Division passenger service report reduction	\$250

The Attendance incentive allows operators to cash out some of their sick leave. Currently, operators generally use all of their sick leave, and are replaced by other operators (usually at time and a half) when they are absent. To cash out any sick leave, operators would have to improve their attendance substantially, resulting in cost savings to Muni.

Though Muni employees rejected this contract, Muni management is committed to the creation of performance measures and incentive pay.

Finding: Muni Lacks Commitment to Enforce Safety Rules

Operators are paid to conduct fifteen minute pre-departure safety checks each day before leaving the yard. Inquiries of supervisors, superintendents and others reveal that they believe that not all of the regulations requiring pre-departure inspections are complied with, in that many drivers do not conduct such inspections.

For the safety of the public and Muni's vehicles and for improved performance of vehicles, it is important that all vehicles be inspected by operators, before leaving the yard and after

each run. It is important that an inspection system be established and that Muni receive proper staffing to enable the system to be implemented. An inspection system which lacks constant verification cannot be successful.

Recommendation 18: Maintain Records of Vehicle Inspections

The Grand Jury recommends that Muni establish a procedure whereby supervisors verify, daily, that drivers have in fact conducted vehicle inspections, both before and after their runs. Results of such verified inspections must be entered into a computer program which tracks the maintenance history of each Muni vehicle.

Response to Recommendation

Michael T. Burns General Manager Municipal Transportation Agency July 18, 2000

<u>Update</u>: This recommendation will be completed when the Vehicle Maintenance, Facilities Maintenance and Inventory Control System is in place.

Finding: Muni Seems to Lack a Dedication Towards Safety in Its Yards

The Grand Jury noted that most drums storing fluids are not properly grounded and that wires are often left lying on the ground. Often drums are not stored on double-containment pallets, as required. These hazards were particularly noted at the new Marin Avenue facility. At Marin Avenue, a Safety Shut-off Switch for a large double-contained concrete tank was located behind a column, accessible only by climbing over drums stored around the column.

Employees were found smoking inside shop areas, near possibly dangerous liquid chemicals. In one case a supervisor, when notified of such a problem, seemed unconcerned, replying that the offender was not a Muni employee, but a contract employee working on a Breda car.

The Grand Jury frequently noted accumulations of dirty rags thrown into empty boxes rather than being stored in safe, enclosed containers. Old florescent tubes were seen discarded in open trash containers, instead of being crushed and disposed of safely. At one location, the Grand Jury found an out-dated hazardous material certificate which was twenty-two months overdue.

Recommendation 19: Study Safety and Take Corrective Measures

Either Muni or an independent agency should perform a study and take proper corrective measures. The 1999-2000 Civil Grand Jury should focus in depth on the problem of Muni safety.

Response to Recommendation

Michael T. Burns General Manager Municipal Transportation Agency July 18, 2000

<u>Update</u>: During September of 1999, the California Public Utilities Commission (CPUC) conducted an exhaustive safety audit of the San Francisco Municipal Railway. In January 2000, the results of this review were released by the CPUC in a formal audit report. While the audit assessed a relatively wide variety of technical and administrative areas, one theme was clear and consistent throughout the report: deficiencies exist at Muni relative to the overall effectiveness of its safety and maintenance programs and procedures.

There is a strong need to reshape the culture of the Muni organization in order to improve the quality, effectiveness, and safety of public transportation in San Francisco. The problems affecting Muni have compounded over a long period of time. To begin to tackle safety at Muni and change the safety culture, Muni has taken significant steps to meet these goals. Muni's plan to increase safety has focused on 6 areas:

- 1. Appointment of new management personnel. Integral to the managerial initiatives at Muni has been the need to refocus the organization on the overall criticality of safety. In order to ensure that this effort is being focused at the highest levels, a number of new senior staff members have been brought into the organization, including a new Chief Operations Officer and a new Deputy General Manager for Safety and Training, both experienced and competent professionals who share a vision of operational safety. While the results of a new managerial commitment to safety may be more difficult to evaluate in the short-run, it will clearly have long-term advantages to Muni.
- 2. <u>Creation of a new Safety and Training Division</u>. In addition to hiring a new Deputy General Manager for Safety and Training, the organization has been restructured to create a single integrated unit with Muni-wide responsibilities for Security, System Safety, Worker Health and Safety, and Training and Development. This new division, working in close partnership with Operations, will have primary responsibility for developing and assisting with the implementation of new safety initiatives that are already in development.

In addition, this new division is looking closely at how Muni provides refresher training to employees, as well as how to disseminate new information in an efficient and expeditious manner.

- 3. Revisions to safety program plans and procedures. Beginning last year, Muni retained professional consultant services to assist in revising System Safety and Security Program Plans and Accident Investigation Procedures. These new programs and procedures are central to the overall package of safety enhancements. These documents reflect "best practices" in the transit industry and the specific requirements of Muni.
- 4. <u>Initiation of expanded internal audits.</u> Recognizing the importance of internal audits, Muni has developed a comprehensive program of safety audits. Audits conducted to date include configuration management, system modification, and employee safety. Additional audits will be conducted on a regular basis.
- 5. <u>Procurement of an integrated safety management software program.</u>
 Although Muni has used a number of different approaches for the reporting and analysis of safety incidents, there has often been a disconnect between the data collected and the ability to utilize this information for trend analysis. In order to rectify this situation, Muni has recently procured a state of the art program for incidents, internal audits, hazardous conditions, and corrective action plans.
- 6. <u>Institution of a "safety culture" at Muni.</u> In addition to the major activities outlined above, efforts to expand and enhance the safety culture at Muni are reflected in directives to senior staff, assessment of new capital programs, new policies and organizational structure. These efforts should have a very real and positive impact in the long-term.

Finding: Safety at Muni Should be Further Investigated

The Grand Jury did not spend significant time investigating the problem of safety of Muni vehicles while operating on the streets. However, it is apparent that, in the past twelve to twenty four months, there have been a number of serious accidents. Many accidents have involved drivers with inferior driving records. Mr. Burns advised the Grand Jury that it is his intention to create a Safety and Training Department which will report directly to the General Manager.

Recommendation 20: Next Grand Jury Should Focus on Safety

The Grand Jury recommends that the 1999-2000 Civil Grand Jury focus on this problem.

Finding: Muni Has Lax Security in Its Yards

The Grand Jury found security to be incredibly lax in the various Muni yards. For example, at the Woods yard, where many vehicles are stored, there is a ten foot high chain link fence, topped with razor wire, but the gate is wide open and unmanned. It is an open invitation for vandals and graffiti artists (taggers) to damage vehicles. Despite the fact that, in the past, a Muni vehicle was stolen for a joyride, there are no obvious procedures to prevent other vehicle thefts. At the Marin Avenue yard, there appeared to be no attempt to prevent unauthorized access to the facility.

Employees park their cars in Muni yards. While available parking space in neighborhoods near the yards may be limited or non-existent, parking of private cars in the yards may present a security risk. Also, employees wash their cars in the yards, creating liability problems. The Grand Jury was advised that employees service their own cars or the cars of others in yards and on working time. There is no confirmation of that information.

Recommendation 21: Yard Gates Should Be Locked or Guarded

Gates should be locked or under guard at all times. Offices should be locked when unoccupied. Security guards should be on duty at each facility, with regular routes designed to protect Muni property from theft and vandalism. There should be procedures to prevent employee theft.

Response to Recommendation

Michael T. Burns General Manager Municipal Transportation Agency July 18, 2000

<u>Update</u>: The new Deputy General Manager for Safety and Training will be conducting an analysis of Muni's security procedures for all Muni facilities.

Recommendation 22: Alternate Parking Should Be Provided Employees

Alternate parking accommodations should be provided for employees, outside of yards or in segregated areas. Washing or servicing of private vehicles should not be permitted on Muni property.

Responses to Recommendations

Michael T. Burns General Manager Public Transportation Department October 18, 1999

Safety and security is an issue of primary importance to Muni management. In order to address fully the concerns of San Francisco residents in this area, I recently hired a new Chief Safety & Training Officer and elevated this position to the Deputy General Manager level. In the short period of time that he has been on the job, we have already reorganized the safety and training divisions of Muni. We are devoting a significant amount of attention and effort on safety improvements and will focus specifically on the safety and security issues raised in the grand jury report over the next six months.

Michael T. Burns General Manager Municipal Transportation Agency July 18, 2000

<u>Update</u>: This recommendation is being enforced by Muni.

Finding: The City's Administrative Code Section 12B May Be Resulting in Higher Purchasing Costs

The City may be paying substantially more for many of its purchases because of the amendments to Administrative Code Section 12B. Those in charge are unaware of the magnitude of this additional burden on the public. Certainly the public has been given no information on this matter. It is important that a determination be made of the cost of implementation of the amendments to Section 12B and that the information be made public.

In view of the continuing potential cost to the taxpayers because of the amendments to Administrative Code Section 12B, the Grand Jury finds that an inquiry should be made of the continuing annual cost to the City. That determination would best be made by the Budget Analyst. The audit should not be limited to the operations of Muni, but should include the operations of all of the City Departments.

The Grand Jury also finds that efforts need to be made to limit the increased spending and take advantage of provisions in Section 12B for obtaining waivers because of a lack of approved vendors. Perhaps waiver procedures should be streamlined.

Enforcement procedures need to be established to prevent departments from purchasing through brokers when less expensive alternatives are available. Department heads must be held responsible for seeing that such procedures are in fact followed. There must be some accountability.

Response to Finding

Michael T. Burns General Manager Public Transportation Department October 18, 1999

The enactment of the portion of Administrative Code Section 12B relating to domestic partners benefits and matters related to it are policy decisions of the Mayor and Board of Supervisors. Muni is in full compliance with City law, as enacted by the Mayor and Board of Supervisors. Muni management strongly supports the principles underlying the equal benefits ordinance-we have not found it necessary to apply for any waivers. The Budget Analyst works for the Board of Supervisors. He can undertake further inquiry into this matter only at the direction of the Board of Supervisors-Muni has no authority to compel the Budget Analyst to take such action.

Recommendation 23: Budget Analyst Should Audit Section 12B Costs

The City's Budget Analyst should be engaged to perform an audit to determine the cost to the City arising from the amendments of Section 12B, in the operations of Muni and of all the City's Departments. He should repeat that audit on an annual basis, at least until the City can solve the problem of overspending resulting from the operation of Section 12B.

Responses to Recommendation

Ken Bruce Senior Manager Budget Analyst's Office May 31, 2000

Budget Analyst audit assignments are directed by motion of the Board of Supervisors. The Board of Supervisors annually adopts such a motion, approving a schedule of performance audits to be conducted in priority order by the Budget Analyst and the Controller's Audits Division. Should the Board of Supervisors amend the schedule of performance audits to determine the cost to the City arising from the amendments of Section 12B of the Administrative Code (Non-Discrimination in Contracts), the Budget Analyst would conduct such audits.

Edward Harrington Controller Office of the Controller July 6, 2000

Should the Board of Supervisors direct the Budget Analyst to conduct an audit of Section 12B costs, this office will be prepared to assist the Budget Analyst in his audit by providing him available accounting and other financial records.

Michael T. Burns General Manager Municipal Transportation Agency July 18, 2000

<u>Update</u>: The Budget Analyst works for the Board of Supervisors. He can undertake further inquiry into this matter only at the direction of the Board of Supervisors--Muni has no authority to compel the Budget Analyst to take such action.

Recommendation 24: Purchasing Personnel Should Be Familiar With Provisions of Section 12B

The General Manager should take all steps to be certain that all personnel involved in purchasing and ordering are familiar with the provisions of Section 12B, especially the waiver procedures. Steps should be taken to ensure that purchases are made in a manner designed to maximize savings to Muni.

Response to Recommendation

Michael T. Burns General Manager Municipal Transportation Agency July 18, 2000

<u>Update</u>: Procedures have been in place for over two years to ensure that all personnel involved in purchasing and ordering are trained in 12B compliance. Muni management strongly supports the principles underlying the equal benefits ordinance.

Recommendation 25: Amend Section 12B to Streamline Purchasing Procedures

Administrative Code Section 12B should be amended to provide a streamlined waiver procedure which employees can pursue without undue effort. The Purchasing Department should exercise oversight to be certain that existing procedures are understood and followed.

Responses to Recommendation

Michael T. Burns General Manager Public Transportation Department October 18, 1999

The enactment of the portion of Administrative Code Section 12B relating to domestic partners benefits and matters related to it are policy decisions of the Mayor and Board of Supervisors. Muni is in full compliance with City law, as enacted by the Mayor and Board of Supervisors. Muni management strongly supports the principles underlying the equal benefits ordinance-we have not found it necessary to apply for any waivers. The Budget Analyst works for the Board of Supervisors. He can undertake further inquiry into this matter only at the direction of the Board of Supervisors-Muni has no authority to compel the Budget Analyst to take such action.

Edwin M. Lee Director Purchasing Department June 26, 2000

The report's recommendations regarding Purchasing relate to enforcement of Admin. Code Chapter 12B, Equal Benefits. Please be advised that Purchasing enforces Chapter 12B for all purchases we handle, including those of the Municipal Railway.

The report indicates that Muni might not be applying for as many exemptions as its purchases could qualify for. Purchasing, as a service department, depends on our customers (such as Muni to advise us and HRC if any exemptions under Chapter 12B that might apply to a particular purchase. Purchasing has participated in Citywide 12B training sessions conducted by the Human Rights Commission, and has conducted our own informal training for Muni customers. We are always available to consult with Muni on Chapter 12B and the possible availability of any exemptions, but it remains the customer's responsibility to submit exemption requests to HRC.

Michael T. Burns General Manager Municipal Transportation Agency July 18, 2000

<u>Update</u>: The enactment of the portion of Administrative Code Section 12B relating to domestic partners benefits and matters related to it are policy decisions of the Mayor and Board of Supervisors. Muni is in full compliance with City law, as enacted by the Mayor and Board of Supervisors.

GENERAL RESPONSES

Steve Kawa Director of Legislative Affairs Office of the Mayor October 15, 1999

The Mayor's Office agrees with the responses provided by the San Francisco Municipal Railway. Many of the issues raised by the Civil Grand Jury rely on the outcome of Proposition E, before the voters in November 1999.

The Mayor's Office notes its disagreement with the Civil Grand Jury's finding that Muni may be paying more for its purchases due to the City's Domestic Partner's Ordinance (Administrative Code 12B). Muni states that it has not had to apply for waivers to fulfill purchasing needs. We do agree with the recommendation that all employees should understand the policy as it relates to purchasing and that purchasing methods should maximize savings.

Gloria L. Young Clerk of the Board Board of Supervisors August 23, 1999

With respect to the items regarding . . . San Francisco Municipal Railway, please be advised that proposed Charter amendments regarding the aforementioned issues were reviewed and discussed by the Board of Supervisors at their meetings this spring and subsequently placed on the ballot of the November 2, 1999, Consolidated Municipal Election.

Gloria L. Young Clerk of the Board Board of Supervisors May 31, 2000

This is in response to your letter of May 31, 2000, concerning recommendations of the Civil Grand Jury for fiscal year 1998-99. The Board of Supervisors has no direct jurisdiction over the various departments referred to in the report. However, the Board of Supervisors may hold a hearing on any issue in the report and suggest recommendations.

Willie L. Brown, Jr. Mayor Office of the Mayor June 15, 2000

The Mayor's Office agrees with the responses provided by the San Francisco Municipal Railway. Proposition E, approved by voters in November 1999, officially established an independent agency named the Municipal Transportation Agency. Proposition E has given MUNI greater authority to administer personnel and labor relations, operations and service changes, budget and funding.

CHAPTER 5 SAN FRANCISCO UNIFIED SCHOOL DISTRICT PRELIMINARY STATEMENT

BACKGROUND

he 1998-99 Civil Grand Jury investigated the San Francisco Unified School District. According to its report, the Civil Grand Jury noted that in June of 1998 the voters of the State of California enacted Proposition 227 limiting bilingual teaching. The Civil Grand Jury stated that it was also aware that many years prior to this the District had participated in a consent decree in the federal court whereby the SFUSD was required to provide bilingual instruction to the students in the District who did not have English as their native language. Since the passage of Proposition 227, which in part purports to prohibit bilingual education as was conducted prior to 1999, the District has continued to provide bilingual education as it had in the past, but calls the program by several other names, e.g., English Plus, rather than Bilingual. In all other respects the teaching of students with limited English proficiency is the same as it always has been.

The SFUSD was a signatory to a consent decree issued by a federal court (*Laù v. Nichols*) requiring the District to offer a wide range of bilingual programs, including courses of English immersion. Under Proposition 227, Districts are required to replace bilingual education with a one-year program of intensive English-language instruction to students who speak little or no English.

According to the Civil Grand Jury, it commenced its inquiry into the economic effect of Proposition 227 and the operations of the District's language program. However, the Civil Grand Jury stated that there was an almost total lack of cooperation from the various District Administrators with whom it dealt.

RESULTS

The Civil Grand Jury made 11 recommendations in its report and required responses from the following:

Mayor Superintendent of Schools Board of Education City Attorney

Finding: School District Administrators Did Not Cooperate With the Grand Jury

The Grand Jury in its investigations of numerous departments of City and County government, and numerous Districts operating within the City and County, was treated universally with courtesy, cooperation, forthrightness and honesty by all persons in every phase of its investigations with the notable exception of the administrators of the SFUSD. It should be noted that the school teachers and principals all conducted themselves as other representatives of City and County governmental agencies and Districts, and the Grand Jury wishes to thank them for their cooperation and forthrightness. In view of the foregoing, it is most perplexing to find administrators employed by the School District to be lacking in forthrightness. They were also adversarial and confrontational. Our experience with the SFUSD administrators was such that it appeared that they consciously threw road blocks in the way of the investigators from the Grand Jury at virtually every step of its investigation. Representatives of the District gave the appearance of a conscious attempt to obfuscate the realities of the operation of the SFUSD.

Recommendation 1: Next Grand Jury Should Interview SFUSD Controller and Chief Financial Officer

Interview the District controller and chief financial officer.

Response to Recommendation

Linda Davis Interim Superintendent San Francisco Unified School District July 17, 2000

The District does not object to this suggestion.

Recommendation 2: Next Grand Jury Should Interview School Board

Interview members of the School Board.

Response to Recommendation

Linda Davis Interim Superintendent San Francisco Unified School District July 17, 2000

The District does not object to this suggestion.

Finding: The School District's Language Programs May Not Be in Compliance With State Requirements

It appeared that the District may not be in compliance with the State Board of Education's directives with respect to the District's language programs. In January of 1997, under Dr. Rosita Apodaca, the Language Academy was established. All bilingual and other language programs were administered through the Language Academy. In December of 1998 Dr. Apodaca sent the attached e-mail to all principals [Appendix B]. It was only in May 1999 at the end of the school year that the District conducted a workshop to explain LALAR and LPAAAC as well as other matters covered by the e-mail. Only one teacher had complied with the letter and this is because the teacher did it on her own. We were informed that as of the middle of May 1999 virtually no student was in compliance, except as noted.

There were no teachers who concurred with the Language School and its administrators that it should take between five to seven years for a child who spoke little or no English to master it sufficiently to be taught in it. With possible isolated exceptions we were told that a child should be able to learn English in one and a half to two years and that the five to seven year program was to ensure that the bilingual dollars flowed into the District as long as possible.

Recommendation 3: Next Grand Jury Should Analyze Language Program Statistics

Analyze in depth the various statistics on language programs conducted by the District.

Response to Recommendation

Linda Davis Interim Superintendent San Francisco Unified School District July 17, 2000

In theory, the District does not object to this suggestion; however, it withholds judgment on this recommendation until such time the Grand Jury makes a specific request and the District understands the Grand Jury's objective. The District is happy to discuss the issue.

Finding: Allegation that the Superintendent Discriminates Against Chinese Students

There was an allegation that the Chinese students were being discriminated against by the superintendent. There just wasn't enough time to thoroughly investigate this serious charge made by a responsible employee of the District.

Recommendation 4: Next Grand Jury Should Investigate Discrimination Allegation

Look into the allegation that the District discriminates against Chinese students.

Response to Recommendation

Linda Davis Interim Superintendent San Francisco Unified School District July 17, 2000

The District does not believe that it is discriminating against Chinese students, but cannot respond beyond that without more specifically alleged facts from the Grand Jury. The District would not object to any investigation of discrimination, but, depending upon the specific charges, may recommend that the Grand Jury refer this matter to a more appropriate administrative agency. (e.g., EEOC, DFEH, OCR, etc.)

Finding: Parents Request Their Children Be Taught in a Language Other Than English

There are at least six (6) schools in the District where no English is spoken (3 Spanish, 2 Cantonese, 1 Filipino). The students purportedly are placed in these schools at their parents request and allegedly already speak, read and write English fluently. One questions if a child can learn Spanish by total immersion as well as all the other academic subjects he must learn, then why can't a child be immersed in an English speaking school and do the same? Clearly there is no economic incentive for this to happen, but there is for the reverse.

Recommendation 5: Next Grand Jury Should Review Parents' Consents

Review the consents of parents to have their children taught in a language other than English.

Response to Recommendation

Linda Davis Interim Superintendent San Francisco Unified School District July 17, 2000

The District does not object to this recommendation, but again, depending upon the specific allegations, may suggest that the Grand Jury refer this matter to another agency (e.g., CDE, etc.)

Finding: The School District May Be Manipulating Reporting of Test Scores

In our interviews with both teachers and principals, we found that there was a great deal of pressure placed on these educators to show numerical improvement in test scores from year to year, just as the Superintendent was pressured to reduce the reported dropout rate in high schools.

Based on the data provided by the District, it was determined that less than half of the students in the District are taking the Comprehensive Test of Basic Skills (CTBS). Further, analysis of the data provided us reveals that while student enrollment remains flat, test results for fewer students are being reported each year. This raises the question of whether the small gains in test scores reported are real or manipulated.

By the District's own count, 30% of its students are Limited English Proficient. However, over 50% of the District students do not take the standardized test. The teachers and principals have the power to excuse any pupil they feel is not ready to take the test, regardless of the student's language proficiency. The pressure on these educators to improve the test scores every year may very well determine who takes these tests.

The explanation given by Dr. Rojas for the reduced number of students taking the tests in spite of level enrollment is that, "We test all students who are eligible to be tested . . ." (emphasis added). (Letter from Waldemar Rojas to SFUSD Stakeholders dated April 15, 1999.) The key word here is "eligible." Eligibility is a subjective criterion. If for any reason the teacher, principal or administrator feels that a student should not have to be tested, the student is eliminated from the measured group. If one wants to increase test scores of a measured group, all that need be done is to eliminate more and more marginally performing students from the group.

Recommendation 6: SFUSD Should Track Attrition Rates

The SFUSD should keep track of the attrition rates as well as their presently defined dropout rates. The SFUSD should determine how many of the attritions between eleventh and twelfth grades are attending continuation high schools. These statistics would be useful in assessing the utility of the education they have received.

Response to Recommendation

Linda Davis Interim Superintendent San Francisco Unified School District July 17, 2000

The District maintains statistics on much, if not all, of these items. Depending upon the parameters of the Grand Jury's investigation, the District would be happy to discuss this issue.

Recommendation 7: Next Grand Jury Should Determine SFUSD's Compliance With Language Program Requirements

Determine what the requirements are for language programs being offered by the District, with the end in mind of determining if there is compliance.

Response to Recommendation

Linda Davis Interim Superintendent San Francisco Unified School District July 17, 2000

The District can provide the requirements for language programs being offered. Again, there may a legitimate question here with respect to the Grand Jury's jurisdiction in this area.

Finding: There is Mistrust Between School Staff and Administrators

The Grand Jury found that there was generally a feeling of fear and mistrust between the teachers and principals on the one hand and the superintendent and his staff on the other. Whenever a document was produced with the name of a teacher or principal on it, we were requested to redact the name before using the document. When asked why use this procedure, we were told that the superintendent and his staff were vindictive and may transfer the cooperating teacher or principal to an undesirable school or job as punishment for giving us the document.

The paranoia existed not only with the teachers and principals, but also with the Superintendent and his staff. It was very clear that there existed a party line with respect to the matters discussed above and that the Superintendent and his staff wanted the answers to our questions orchestrated according to what they wanted and not necessarily what was happening in the schools.

Finding: The School District and the City Attorney Did Not Provide Requested Information

The Grand Jury asked the District if it had ever obtained from the City Attorney a legal opinion as to the effect of Proposition 227 on the Federal Consent Decree under *Lau v. Nichols* (which ordered the implementation of bilingual programs) which was still in place. Both the SFUSD and the City Attorney claimed that the Grand Jury's request called for a breach of a confidential communication and placed the City Attorney in a position of breaching that confidentiality and created a conflict of interest. The Grand Jury was

surprised and chagrined that the City Attorney would take this position in view of the fact that the City Attorney was also the designated attorney for the Grand Jury. We were then referred to the District Attorney to assist in getting this information, but were told by them that they were not involved in civil matters, were not informed in this area of the law, and thus could not represent the Grand Jury.

As previously stated, the Grand Jury asked the District to request that our inquiry be answered by the City Attorney. This the District refused to do, which was shocking in view of the fact that some eight (8) months later, on April 26, 1999, in sworn testimony before the Grand Jury (RT 6:19-22), the superintendent, Waldemar Rojas, denied that there ever existed such an opinion. By this time, the SFUSD had managed to delay the Grand Jury investigation to the point that there were only two (2) months left in its term.

Not once did either the City Attorney's office or the School District tell the Grand Jury that there did not exist such an opinion letter. To the Grand Jury, this conduct smacked of stonewalling and of a blatant attempt to prevent the Grand Jury from doing its assigned duty.

Finding: The School District's Auditors Did Not Provide Requested Financial Information

On March 9, 1999 the C.P.A. in charge of the SFUSD Audit for 1997 and 1998 was requested to appear informally before the Grand Jury. A Mr. Gary Caine of Deloitte and Touche, LLP, was identified as the principal C.P.A. in charge of this audit. Mr. Caine was given a list of the six (6) principal questions we would be asking and asked that he appear with sufficient working papers to answer them. Initially Mr. Caine refused to appear claiming some privilege between Deloitte and Touche and the school District which made the working papers supporting the financial statement privileged. He also claimed that he was too busy as it was tax time, in spite of the fact that he was told we would only take two to three hours commencing at 5:30 p.m.

After pointing out that there was no privilege as it related to the Grand Jury and asking Dr. Rojas to see that the Audit was produced, Mr. Caine still failed to appear at an appointed time. This time we were told that he was in New York because he was consulting with his attorneys on his appearance. A later delay was in negotiating a release and hold harmless agreement with the SFUSD relative to any information he would give to the Grand Jury. The Grand Jury is curious as to what the District's C.P.A. could know that would expose them to liability and why and how they could extract this agreement after receiving over \$120,000 for their audit.

Although Mr. Caine had approximately two months advance notice of the questions we wanted to ask and the materials to bring, he was totally unprepared to answer these questions when he appeared before the Grand Jury. He could not tell us how much money

was received by the District for bilingual education from the federal, state or local governments or the total amount so received. The dollars involved exceed \$30 million, as Dr. Apodaca stated. It is difficult to understand, given two months notice, why the auditor could not locate this number. The same is true with respect to the expenditure of funds for bilingual purposes. In this audit the C.P.A. could not identify one dollar spent for bilingual education. Because of our other experiences with District personnel, it would lead one to believe that the District did not want us to know how little of the funds were used for the purposes intended. Given more time these numbers could be obtained.

Finding: The Grand Jury Could Not Freely Visit Schools and Interview Staff

The Grand Jury requested the opportunity to visit schools to see for themselves the operation of the bilingual program or other programs by other names conducted by the District to teach children whose second language is English to learn how to speak, read and write English. We were told that members of the Grand Jury were security risks, that we would be disrupting classes, and that the school needed weeks of advance notice to arrange their school days. Members had to wait three to four weeks before being permitted to enter the schools. It should be mentioned that no more than two members of the Grand Jury were ever present at any school at any one time, and that any parent may appear unannounced to view his or her child's class.

The procedure used was to speak to the principal, and then visit three to four classes, spending 10-15 minutes in each class. Our primary desire was to speak to the teachers to find out how their language programs were conducted and if they were following the law. It was the desire of the Grand Jury to visit the schools and the classrooms as close to being unannounced as possible so that they could get a feel for what was actually being taught, rather than what was being staged for their benefit. We informed Dr. Rojas that we wanted to do this without the presence of members of his administrative staff or of the Language Academy. Dr. Rojas agreed that this would be done. In spite of his agreement to do otherwise, each and every Grand Jury visit to any school involved the presence of a representative of the Language Academy or one or more other school administrators and, in some cases, school District lawyers. In one of the schools, Ms. Den, a District lawyer, was present when members of the Grand Jury arrived, after and in spite of Dr. Rojas' assurance that this would not happen. On several occasions, Ms. Den instructed the principal not to answer the Grand Jury's questions.

Repeatedly, school administrators and members of the Language Academy attempted to interfere in our interviews with the principals and teachers. In many situations, the answers proposed by the Administrator to our questions were markedly different from those given by a teacher or principal.

Finding: Time Constraints Limited the Grand Jury to Visit Schools

Because of time constraints we were unable to visit all the schools we would have liked. We did request to visit Galileo High School and were told we would have to make an appointment and that the Language Academy would get back to us. When we called back after not hearing from them, we were told it would not be possible for us to visit the school.

Recommendation 8: The Grand Jury Should Be Authorized to Retain Independent Counsel

The Grand Jury should be authorized to retain its own independent counsel. The excuse given by the City Attorney for not providing the Grand Jury with legal representation was that the City Attorney represents the District. This would apply to any legal issues raised by any other department of city government. The City Attorney purports to represent all of City and County Government. The stance taken by the City Attorney leaves the Grand Jury with no legal representation in its investigation of City and County Government.

Responses to Recommendation

Louise H. Renne City Attorney Office of City Attorney November 1, 1999

We agree that the Grand Jury should be authorized to obtain outside counsel in circumstances where a conflict prevents its counsel from advising the Grand Jury. However, we disagree with the remainder of this recommendation.

Our determination that it would be inappropriate to represent the Grand Jury in the course of its investigation was not based on the simple fact that this office represents the SFUSD and the Grand Jury. Rather, our determination was based on a number of considerations, including the scope and nature of advice that we had provided to the District, the potential for the Grand Jury to seek to investigate or question that advice, and the District's unwillingness to waive the attorney-client communication privilege with respect to this issue.

We regret that the attorney-client privilege prevents us from being more specific. However, suffice it to say the circumstances surrounding the Grand Jury's investigation of the District were unique. We are unaware of any prior instances preventing the City Attorney from representing the Grand Jury in the context of an investigation. It is unlikely that such circumstances will arise again.

In addition, the City Attorney's decision to declare a conflict with respect to the Grand Jury's investigation of the District did not leave "the Grand Jury with no legal representation in its investigation of City and County Government." First, the City Attorney's decision only applied to the Grand Jury's investigation of the District; the conflict did not extend to any other investigation conducted by the Grand Jury. Second, as the Grand Jury notes in the cover letter to its report, the law provides additional mechanisms by which the Grand Jury may seek legal advice. Neither the Grand Jury nor the court informed us that the Grand Jury had encountered problems locating counsel. Had we known, we would have assisted the Grand Jury in locating outside counsel. In the past, we have frequently been able to locate other qualified public lawyers willing to provide advice on a pro bono basis.

Linda Davis Interim Superintendent San Francisco Unified School District July 17, 2000

The District does not offer an opinion on whether the Grand Jury should be represented by independent counsel or the City Attorney's Office. The District is indifferent on this issue. The District does, however, believe it is imperative that the Grand Jury receive legal counsel quickly so as to hopefully avoid any conflicts between the parties.

Recommendation 9: Next Grand Jury Should Review Issue of Social Promotion

The issue of social promotion and the use of the schools in summer rather than blindly promote, should be reviewed.

Response to Recommendation

Linda Davis Interim Superintendent San Francisco Unified School District July 17, 2000

The District takes issue with the presumption that it is blindly promoting its students from one grade to the next. While the District is happy to discuss this issue, there is a jurisdictional question here as well.

Recommendation 10: Next Grand Jury Should Visit Schools

Visit at least a dozen additional schools including those that teach in a language other than English as well as those that teach partially in English.

Response to Recommendation

Linda Davis Interim Superintendent San Francisco Unified School District July 17, 2000

The District does not object to the Grand Jury visiting any of the District's schools, but believes the jurisdictional questions should be resolved first.

Recommendation 11: Next Grand Jury Should Subpoena SFUSD Administrators

Subpoena all SFUSD administrators to be interviewed instead of running the risk of failure to appear in response to an informal request.

Response to Recommendation

Linda Davis Interim Superintendent San Francisco Unified School District July 17, 2000

The District is not aware of any District employee who has refused a request to be interviewed by the Grand Jury. The District does not anticipate such a problem in the future.

Before the Grand Jury and the District address any of the issues identified above, it is critical that the parties establish the legal parameters and ground rules for any subsequent investigations. As you know, I am the Interim Superintendent for the San Francisco Unified School District and I will soon be succeeded by Ms. Arlene Ackerman. In my short tenure as Superintendent, I have tried to be candid and straightforward in all my dealings with the Grand Jury. I anticipate that Ms. Ackerman will respond in a like manner. Moreover, I believe that the District has always provided the Grand Jury with the information it has requested.

The friction between the Grand Jury and the District, which pre-dates my tenure, centers around the very basic issue of the Grand Jury's jurisdiction to investigate many of the issues outlined above. The District has given the Grand Jury its legal opinion as to the boundaries of the Grand Jury's jurisdiction over the District, a local agency of the state. Unfortunately, there has never been a meaningful response. The District urges the Grand Jury to seek legal counsel on this issue and to engage the District in an honest discussion of the topic. If there is no agreement, the parties can have the matter quickly decided in a court of law. Once the boundaries are determined, the parties can proceed

with clear guidance of the Grand Jury's legal mission.

I invite the Grand Jury's legal counsel to contact the District's legal office at its earliest convenience so as to hopefully avoid the rancor which has characterized the parties' prior interactions.

GENERAL RESPONSES

Steve Kawa Director of Legislative Affairs Office of the Mayor October 15, 1999

The Acting Superintendent met with the Civil Grand Jury in August to discuss findings and recommendations. This meeting resulted in the Civil Grand Jury's request for further information regarding fiscal, special education and bilingual issues. Because the Civil Grand Jury is still reviewing new information provided by SFUSD, the Mayor's Office has no response to the current report but will review any subsequent reports or updates.

Louise H. Renne City Attorney Office of the City Attorney November 1, 1999

The Grand Jury's report on the SFUSD focuses on the District's compliance with Prop. 227. The report does not include findings. The City Attorney's Office does not have sufficient information on which to judge many of the factual assertions set forth in the report. However, the report makes several statements concerning the City Attorney's role in the investigation that warrant a response.

As the report notes, this office did determine that the unusual circumstances surrounding the Grand Jury's investigation of the SFUSD created a conflict for this office. Accordingly, the City Attorney declined to advise the Grand Jury with respect to this investigation. We reached this decision reluctantly, after careful consideration of the scope and nature of advice that we had provided to the District, the potential for the Grand Jury to seek to investigate or question that advice, and the District's unwillingness to waive the attorney-client communication privilege with respect to this issue.

The Grand Jury's narrative states that the City Attorney's Office failed to tell the Grand Jury that we had not prepared a written opinion to SFUSD concerning the legal effect of Prop. 227 on the consent decree in *Lau v. Nichols* governing bilingual education programs. However, the Grand Jury never asked this office whether we had prepared a

written opinion for the District concerning Prop. 227 and its impact on the consent decree. Further, given the nature of the attorney-client privilege, it is by no means clear that our office could have provided this information. However, the lack of a written opinion had no bearing on the City Attorney's determination that her ethical obligations prevented her from representing the Grand Jury with respect to this investigation.

Juanita Owens, Ed.D President, Board of Education San Francisco Unified School District November 16, 1999 Linda F. Davis Interim Superintendent of Schools San Francisco Unified School District

SFUSD concurs that the Grand Jury may interview its Chief Financial Officer and school board members relating to its *operations*.

SFUSD would like to know why the Grand Jury wishes to analyze "various statistics on language programs." SFUSD does not concur that the Grand Jury should look into allegations that the District discriminates against Chinese students. The Grand Jury should defer to existing procedures and mechanisms to review discrimination complaints. Recommendation No. 6 is difficult to understand. SFUSD maintains attrition as well as dropout rates for different purposes. SFUSD is not sure what the Grand Jury has in mind when it refers to "assessing the utility" of education. It certainly does not appear to be an operational concern. Also, as a further point of information, SFUSD already can determine the previous schools attended by students in the twelfth grade in continuation high schools. SFUSD has already given the Grand Jury a full explanation of all of the programs for Limited English Proficient (LEP) children administered by the District and supported by the Language Academy. SFUSD does not concur in the recommendation that the Grand Jury should determine educational program compliance. The courts and federal and state agencies that bear this responsibility consistently monitor the District's compliance. The Grand Jury should not review "[t]he issue of social promotion and the use of the schools in summer rather than blindly promote." SFUSD does not blindly promote. Yet it would appear from its own statement that prior to even undertaking its review, the Grand Jury has already so adjudged the District. Moreover, by its terms, this issue is not operational in nature. SFUSD does not concur that the Grand Jury needs to visit at least twelve more schools "including those that teach in a language other than English as well as those that teach partially in English." SFUSD is unsure of the distinction between the types of schools identified. Also, any school visit can be disruptive to the learning process. This difficulty is only exacerbated when children are trying to learn English in addition to academic content. SFUSD has no idea what it is that the Grand Jury hopes to accomplish by these visits or why it seeks the number of visits it has identified. SFUSD would first request that the Grand Jury set out the objectives that it is trying to achieve. Then SFUSD would appreciate the opportunity to dialogue about how best to achieve those objectives. Should visitation appear necessary, SFUSD would, of course assist. SFUSD does not concur that it is necessary to subpoena its administrators. Requests for interview by the new 1999-2000 Grand Jury have been honored.

Although the Grand Jury report makes numerous assertions and draws conclusions that are uncomplimentary of SFUSD's prior administrative staff, the SFUSD Board is not bound to comment on them. SFUSD does note, however, that its administrative files contain a contemporaneous written record of matters addressed in the Grand Jury Report. These letters speak for themselves. They would not tend to support the Grand Jury's assertions and conclusions. In fairness, you may wish to append this correspondence to the Report.

SFUSD encloses the following letters:

- 1. Letter of May 20, 1999 from Emily Den, Legal Counsel, SFUSD, to Phyllis Joseph, Chairperson, Education Committee, San Francisco Civil Grand Jury (4pps. With attached Attorney General Opinion, 7pps.)
- Letter of June 17, 1999 from Emily Den, Legal Counsel, SFUSD, to Phyllis Joseph, Chairperson, Education Committee, and San Francisco Civil Grand Jury (2pps. With attached information sheet).
- Letter of June 18, 1999 from Emily Den, Legal Counsel, SFUSD, to Alfred G. Chiantelli, Presiding Judge, Superior Court (2pps. with attached June 17, 1999 letter to Phyllis Joseph.)
- 4. Letter of July 13, 1999 from Emily Den, Legal Counsel, SFUSD, to Michael R. Farrah, Foreman, San Francisco Civil Grand Jury (3pps. with attached 4 page Opinion and Order).

(The letters are included in this report. The attachments should be obtained from the SFUSD.)

Finally, SFUSD notes that there are two blatant factual errors, it is compelled to correct:

- SFUSD does not receive \$30,000,000 per year for bilingual teaching. Rather it
 receives approximately \$2 million per year in EIA-LEP funds from the state to
 be used exclusively for LEP students. This is for LEP students in all programs
 and is not merely for "bilingual teaching". This funding is determined by
 formula. SFUSD does not receive a per pupil amount for each student kept in a
 bilingual classroom.
- It is not true that over 50% of SFUSD's students do not take the standardized test. Also, since the 1997-98 school year no student in SFUSD has taken the Comprehensive Test of Basic Skills (CTBS). The test required by the State of California is the Stanford Achievement Test, version 9 (SAT-9). Eligibility for

the standardized test is not a subjective criterion. The State of California does not even administer the test to any pupil in California in kindergarten, 1st and 12th grades. Thus, it is impossible for students in these three grades to take the standardized test. These students alone amount to 19,839 or 31 % of all SFUSD students. This means that only 69% of the students could possibly take the test. 39,926 students (including many designated LEP), or 91% of those that could take the test, actually were tested. Attached for your reference is a 2 page testing data summary that details testing information that SFUSD believes you will find useful. (The attachment is not included as part of this report. It should be obtained from the SFUSD.)

On August 30, 1999 SFUSD's new Interim Superintendent, Linda Davis appeared before the new 1999-2000 Civil Grand Jury. She had prepared opening remarks which she wished to read and have included in the record of the proceedings. She was told that this was not acceptable. Our Board is not aware of any prohibition against including Ms. Davis' remarks. Accordingly, those remarks are attached. SFUSD hereby requests reconsideration of their unfortunate exclusion. (The attachment is not included as part of this report. It should be obtained from the SFUSD.)

Letter of May 20, 1999

From: Emily Den

Legal Counsel

San Francisco Unified School District

To: Phyllis Joseph

Chairperson

Education Committee

San Francisco Civil Grand Jury

I am writing this letter on behalf of the San Francisco Unified School District (SFUSD), which, as you know, has been attempting to assist the San Francisco Civil Grand Jury (Grand Jury) with its review. SFUSD values the Grand Jury's recommendations and is appreciative of all of the time its members contribute. We look forward to receiving an early draft of your report so that we can provide you with feedback before you formally present it.

We would, however, like to have some clarification on the scope of your inquiry. Given the limits of the Grand Jury's authority we have been somewhat confused by a number of your requests and responses to our replies to those requests. As we know you are aware, the scope of the Grand Jury's review is limited to the means or procedures SFUSD follows to perform its work and the misconduct and corruption of its officials. Penal Code § 933.S; 78 Ops. Cal. Atty. Gen. 290 (quoting 64 Ops.Cal.Atty.Gen., 902). Educational policy and pedagogy are reserved for SFUSD's elected board and certificated staff. 78 Ops. Cal. Atty. Gen. 290. With this in mind, we

would like to briefly review SFUSD's interactions with the Grand Jury to try to give you a sense of the district's perspective and the questions raised as a result:

- Last summer through fall, the Grand Jury requested information regarding the education of English Language Learners, Proposition 227 (Prop 227) implementation, and all records relating to the district's implementation of the Lau v. Nichols federal court order. Although these items really address policy and pedagogy, matters beyond your legal authority, your request seemed to have at least some relationship to district procedures. We therefore complied with your request by providing the court-ordered consent decree, our most recent Lau report, and our procedures implementing Prop 227. Additionally, we invited the Grand Jury to our offices to review all Lau documents, with the explanation that we would not provide copies of everything because they are voluminous. The Grand Jury has not yet availed itself of this invitation.
- In August 1998, you requested that SFUSD make available for questioning individuals who could address legal questions about bilingual education and the implementation of Prop 227. Joseph R. Symkowick and I agreed to meet with the jurors on August 27, 1998 at 7:00 PM. Because you requested that a person knowledgeable about the program join us, we accommodated your request by inviting Dr. Rosa Apodaca, despite the fact that program was an area beyond your legal authority to investigate. Even though Mr. Symkowick and I were the ones most knowledgeable about district procedures to implement the Lau court order and Prop 227, members of the Grand Jury refused to talk with us claiming that they could exclude attorneys from the Grand Jury's interview. The members then proceeded to interview Dr. Apodaca behind closed doors, asking questions that were clearly about the efficacy of bilingual instructional strategies rather than district procedures. Although we respect your authority to take the sworn testimony of individuals outside of the presence of their attorneys, Mr. Symkowick and I did not come as attorneys for Dr. Apodaca but as District staff most knowledgeable about Lau and Prop 297 implementation procedures. Dr. Apodaca was not asked to give sworn testimony about matters within the Grand Jury's jurisdiction but was questioned about pedagogy and instruction. Without apparently understanding that the district was under a current court order to provide bilingual education, at least one juror indicated opposition to bilingual education, almost as if it were illegal rather than required in order to fulfill the district's legal obligations. This has raised serious questions about the legal scope of the Grand Jury's inquiry and its ability to conduct an impartial investigation focused on the district's procedures.
- You asked to visit schools. We again accommodated your wishes and complied with your request, although we failed to see how school and classroom visits shed much light on the district procedures used to perform SFUSD's work.

Jurors visited two schools they selected after informing us in advance. We believe they were impressed with what they saw. The SFUSD understands that the Grand Jury now wishes to visit 20 more schools. Because of the disruptiveness of 20 such visits, we are requesting an explanation of how the Grand Jury will derive information about district procedures and processes from classroom observations. Even though we have repeatedly asked you to coordinate visits centrally because they can be disruptive, we have been advised that jurors have nevertheless contacted at least one school directly and visited another school without any notification at all. Unless you can show us how these visits will advance an inquiry within your authority, we will have to review alternative courses of action available to SFUSD that best assure uninterrupted instruction in schools. Quite frankly, one would think that as a matter of courtesy and respect for our children and teachers, there would be an attempt to accommodate rather than impede our work.

- You insisted upon obtaining testimony from Superintendent Waldemar Rojas and even intimated that you would, if necessary, force him to attend. Although SFUSD certainly could see why you would want the Superintendent to address the administrative processes employed by the school district, Superintendent Rojas indicated that jurors asked questions related to his educational views about bilingual education again an area outside the legal authority of the Grand Jury to investigate. Particular jurors opined that only English should be used for instruction. While SFUSD certainly understands that some hold this point of view, SFUSD must reiterate that the court ordering bilingual instruction has a different opinion of what the law requires. Moreover, SFUSD has difficulty connecting jurors' viewpoints on this subject with the appropriate scope of the Grand Jury's inquiry. This again raises serious questions about the legal scope of the Grand Jury's inquiry and the Grand Jury's ability to conduct an impartial investigation focused on district procedures.
- In addition to the above, SFUSD has been informed that the Grand Jury now
 wishes to investigate special education compliance. Except for procedural
 aspects, special education compliance, again, is an area of substantive concern
 that the Grand Jury is without legal authority or competence to investigate.
 Because it is also an area that is thoroughly investigated by the California
 Department of Education annually, an inappropriate review by the Grand Jury
 raises concerns about conflicting findings, duplicative findings serving no
 constructive purpose, and a waste of scarce human resources.

In the hope that the district would ultimately benefit from the wise counsel of the Grand Jury, SFUSD has accommodated all of its requests despite the fact that it has had grave concerns over the breadth of the Grand Jury's inquiries. Because the Grand Jury appears now to be greatly expanding the scope of its review to any substantive areas that have found their way into the media without regard for the limited nature of

its own authority, SFUSD would appreciate it if the Grand Jury could identify how any future area of inquiry relates to the procedures used to implement the work of the school district.

SFUSD is truly gratified to see how interested the distinguished members of the Grand Jury are in the children of our great city. SFUSD, of course, appreciates the Grand Jury's attentiveness, welcomes its interest in school children, and looks forward to its advice in matters relegated thereto. Unfortunately, that does not include supplanting the elected school board charged with educating the children. They are the educational policy and decision-makers. SFUSD looks forward to your response and clarification as well as your advice regarding the genuine areas of the Grand Jury's jurisdiction. To assist you, we have enclosed the above cited Attorney General's opinion that spells out the limits of Grand Jury authority.

Superintendent Rojas during his testimony welcomed the Grand Jury to visit schools. In order to facilitate your review, he has designated Associate Superintendent Laura Alvarenga to coordinate school visits, appointments and the provision of information. Please make all appointments through her at (415) 241-6631.

This invitation and the provision of all information requested is simply an expression of the SFUSD's wish to be cooperative, but does not change the SFUSD's views on the limits of the Grand Jury's jurisdiction to investigate or report on any areas of substantive concern. Legal counsel will attend those interviews where requested by District staff. If you would like to discuss this any further, please feel free to contact me.

On behalf of its schoolchildren, SFUSD thanks you in advance for your courtesy.

Letter of June 18, 1999

From: Emily Den
Legal Counsel
San Francisco Unified School District

To: Judge Alfred G. Chiantelli
Presiding Judge
San Francisco Superior Court

I am writing on behalf of the San Francisco Unified School District (the District) to express concern about the activities of the Education Committee of the San Francisco Civil Grand Jury (Education Committee). Although the District has sent the Education Committee correspondence detailing its concerns and requesting clarification, we have not yet received a response. I have enclosed a copy of this correspondence for your information.

As the enclosed correspondence will show, more and more school district time and effort is being expended on responding to the Education Committee's requests for information beyond its jurisdiction to examine. Although the District has cooperated and politely tried to point out what it believes would be appropriate inquiries, the Education Committee has not even responded. Instead, it seems that requests have now become demands, and more and more District time and resources are being used without even an attempt to indicate to the District what is being examined. It is clear, however, that the Grand Jury is not interested in the efficiency and effectiveness of the District's efficiency and effectiveness of the District's procedures.

In particular, the District is concerned, as documented in the enclosed letters, that (1) the Education Committee is going beyond the limits of its jurisdictional authority by investigating areas of substantive concern despite awareness of a recent Attorney General Opinion declaring otherwise; (2) that all of the areas the Education Committee has chosen to investigate and report upon are already thoroughly regulated and investigated annually by state and/or federal agencies or are monitored annually through federal court ordered reports, thus making it almost a certainty that the report will either conflict with the findings of regulatory agencies or will be an unnecessary and unconstructive duplication of past findings; (3) that the Education Committee has evidenced an inability to conduct an impartial investigation or submit an impartial report; and (4) that the Education Committee has taken a "fishing expedition" approach to its investigations by including many large areas of substantive concern such as bilingual education, special education, testing, budget, etc., all of which implicate policy-making, an activity that is reserved only for an elected Board of Education within the constraints of state and federal requirements. Although various District officials, including the Superintendent and Associate Superintendents, have attempted to ascertain the scope of the Education Committee's investigation in order to determine how to best assist the Education Committee in obtaining the appropriate information for its report, various grand jurors have informed them that they had no obligation to inform them of what was being investigated.

The District stands ready to provide all appropriate information to the Education Committee, and in the interest of openness and cooperation, has even made available to the Education Committee, without waiving its objections, information that the District believes they do not have jurisdictional authority to obtain or report on. However, the District continues to have the many grave concerns outlined above and in the enclosed letters.

In light of the above and the Education Committee's self-proclaimed biases, and given that the District has made every attempt to be open and cooperative, I am writing to respectfully request that you, as presiding judge, ensure in your discretion that the contents of the report issued are appropriate. The District wishes to cooperate fully in assisting the Education Committee to fulfill its charge, but does not wish to be the subject of an inappropriate and biased report which improperly oversteps the bounds of the Grand Jury's legal authority and which may conflict with the mandates of any state

or federal regulatory agency or of an applicable court order, such as the <u>Lau v. Nichols</u> order mandating the provision of bilingual education.

Thank you very much for your time and consideration of this matter. I look forward to hearing from you soon.

Letter of June 18, 1999

From: Emily Den

Legal Counsel

San Francisco Unified School District

To: Phyllis Joseph

Chairperson

Education Committee

San Francisco Civil Grand Jury

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As the enclosed correspondence will show, more and more school district time and effort is being expended on responding to the Education Committee's requests for information beyond its jurisdiction to examine. Although the District has cooperated and politely tried to point out what it believes would be appropriate inquiries, the Education Committee has not even responded. Instead, it seems that requests have now become demands, and more and more District time and resources are being used without even an attempt to indicate to the District what is being examined. It is clear, however, that the Grand Jury is not interested in the efficiency and effectiveness of the District's efficiency and effectiveness of the District's procedures.

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report; and (4) that the Education Committee has taken a "fishing expedition" approach to its investigations by including many large areas of substantive concern such as bilingual education, special education, testing, budget, etc., all of which implicate policy-making, an activity that is reserved only for an elected Board of Education within the constraints of state and federal requirements. Although various District officials, including the Superintendent and Associate Superintendents, have attempted to ascertain the scope of the Education Committee's investigation in order to determine how to best assist the Education Committee in obtaining the appropriate information for its report, various grand jurors have informed them that they had no obligation to inform them of what was being investigated.

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In light of the above and the Education Committee's self-proclaimed biases, and given that the District has made every attempt to be open and cooperative, I am writing to respectfully request that you, as presiding judge, ensure in your discretion that the contents of the report issued are appropriate. The District wishes to cooperate fully in assisting the Education Committee to fulfill its charge, but does not wish to be the subject of an inappropriate and biased report which improperly oversteps the bounds of the Grand Jury's legal authority and which may conflict with the mandates of any state or federal regulatory agency or of an applicable court order, such as the <u>Lau v. Nichols</u> order mandating the provision of bilingual education.

Letter of July 13, 1999

From: Emily Den Legal Counsel

San Francisco Unified School District

To: Michael R. Farrah
Foreman
San Francisco Civil Grand Jury

I am writing in response to your letter of June 24, 1999 in which you made a number of inaccurate statements. I would like to respond to these statements.

1. You state that my letter of May 20, 1999 did not call for a request or reply. This is inaccurate. I specifically requested a response from the Grand Jury in two places. On page one, in the first sentence of the second paragraph, I wrote. "We would... like to have some clarification on the scope of your inquiry."

Additionally, on page three, in the last sentence of the second full paragraph, I wrote, "Because the Grand Jury appears now to be greatly expanding the scope of its review to any substantive areas that have found their way into the media without regard for the limited nature of its own authority, SFUSD would appreciate it if the Grand Jury could identify how any future area of inquiry relates to the procedures used to implement the work of the district." We have yet to receive any clarification on the scope of the Grand Jury's inquiry.

- 2. Each and every legal point made in my letter of May 20th was supported by legal authority enclosed with that letter. Each and every factual point is supported by the personal experiences of District staff or myself. While you state that my May 20th letter contains errors, you have failed to point out what in that letter you believe are errors. Additionally, you inaccurately stated that I "repeatedly instructed the principal not to answer . . . questions." This is erroneous. I did not repeatedly instruct the principal not to answer the questions of the grand jurors. I simply informed the jurors when, in my opinion, their questions were questions they did not have the legal authority to ask. As stated in earlier correspondence, even when questions were framed in terms of procedures, the principal provided substantive responses. I did not prevent him from responding freely to the reframed questions, but needed to communicate to the jurors that the District was not waiving its objection that the Grand Jury was transgressing the bounds of its legal authority if it requested, investigated, or reported on any area of substantive concern. We have provided the Grand Jury with information that it is not even entitled to under the law and have provided the Grand Jury with access to District staff. The fact that we have continued to repeat the fact that the Grand Jury's inquiries have been improper does not change the fact that we have concurrently provided all of the information requested.
- 3. We had hoped that the fact that we have provided the Grand Jury with all of the information and interviews it has requested despite the Grand Jury's lack of jurisdiction would communicate the District's willingness to cooperate without waiving its legitimate legal objections. I regret that you are interpreting our statements as supported by Attorney General Dan Lungren's opinion, about the bounds of the Grand Jury's legal authority as "obfuscation, delay, hindrance and antagonism."
- 4. The scope and breadth of your inquiries are limited by law, not by the District. We have simply reminded the Grand Jury, to no avail, of the limits imposed by law. We have submitted to all requests despite, but without waiving our objection to, the Grand Jury's transgression of its jurisdiction.

The District is disturbed that the Grand Jury would resort to making unsupported characterizations of the District as contained in your letter. If the District had really refused to cooperate or provide information, the Grand Jury is well aware of the

remedies available to it. However, the District has not withheld anything and has, instead, explained its legal understanding of the scope of the Grand Jury's authority. The only purpose for making these allegations appears to be to see them repeated in newsprint despite the District's consistent cooperation coupled with its legitimate objections, which belie your allegations.

As far as I am aware, the District has responded to all requests or is in the process of collecting information requested. If there is any information that you have requested of District staff that may not have been provided or brought to my attention, please let me know, and I would be happy to make sure that the information is provided to you, with your understanding that you do not have the authority to obtain or report on any substantive concerns and that by providing the information, the District is not waiving this objection.

Additionally, I look forward to a response to my letter of May 20, 1999 requesting clarification about the scope of the Grand Jury's inquiry and identifying how these inquiries relate to District procedures that are currently in place.

Finally, we would like the Grand Jury to be aware of U.S. District Court Judge Orrick's July 2, 1999 Order and Opinion in San Francisco's school desegregation cases, <u>Brian Ho et at. V. San Francisco Unified School District et al.</u>, No. C-94-241 8-WHO and <u>San Francisco NAACP et al v. San Francisco Unified School District et al.</u>, No. C-78-1445-WHO. On pages 28-29 of that opinion (enclosed)*, Judge Orrick specifically and expressly recognized that bilingual education in San Francisco Unified School District is under federal court jurisdiction per the <u>Lau v. Nichols</u> consent decree that I faxed to you several months ago. The District has been under federal oversight through the <u>Lau v. Nichols</u> consent decree since the early 1970's and through the <u>Brian Ho</u> and <u>SFNAACP</u> consent decree, as reflected in Judge Orrick's opinion. Both the federal district court and the U.S. Court of Appeals in the Ninth Circuit have agreed that bilingual concerns are involved in these federal school desegregation cases in addition to the <u>Lau v. Nichols</u> case. Additionally, the court-appointed Consent Decree Advisory Committee has been focusing on the education of limited English proficient students.

The education of limited English proficient children is clearly a substantive concern that is currently under the jurisdiction of the federal courts and is beyond the Grand Jury's jurisdiction. The District is under a legal obligation to commit the resources necessary to comply with all applicable federal court orders that require the District to provide comprehensible instruction in core subject areas as well as the English language to English language learners. To do any less would violate these court orders and undercut their purpose and vitality. To do any less would deny these students equal access to educational opportunities.

*(The copy is not included as part of this report. It should be obtained from the SFUSD).

Louise H. Renne City Attorney Office of the City Attorney June 16, 2000

The Civil Grand Jury made a number of recommendations concerning the School District, most of which raised policy issues for the District or other City departments. However, the Grand Jury's eighth recommendation states as follows:

"The Grand Jury should be authorized to retain its own independent counsel. The excuse given by the City Attorney for not providing the Grand Jury with legal representation was that the City Attorney represents the district. This would apply to any legal issues raised by any other department of city government. The City Attorney purports to represent all of City and County Government. The stance taken by the City Attorney leaves the Grand Jury with no legal representation in its investigation of City and County Government."

As detailed on pages 2 and 3 of our November 1, 1999 response to the Grand Jury, while we agree that the Grand Jury should be authorized to obtain outside counsel under unusual circumstances where an actual conflict of interest prevents the City Attorney from advising the Grand Jury, we disagree with the remainder of this recommendation. We do not believe that the Grand Jury needs independent counsel as a matter of course in its investigations of City government. Accordingly, we have taken no steps to implement this recommendation. As has been our policy, however, in the rare circumstances where a conflict arises, we will assist the Grand Jury in obtaining independent counsel.

Willie L. Brown, Jr. Mayor Office of the Mayor June 15, 2000

The Mayor's Office supports the school district request to establish guidelines to address future issues and recommendations proposed by the Civil Grand Jury.

CHAPTER 6 SHERIFF'S DEPARTMENT

BACKGROUND

ach Grand Jury is required to inquire into the conditions and management of the prisons within the control of the City and County of San Francisco. The 1998-1999 Civil Grand Jury made visits to all the jails under the jurisdiction of the City and County of San Francisco. The inmate facility, located at San Francisco General Hospital, was also visited.

The Grand Jury presented statistics on inmate capacity and population in the jails, discussed the general educational and special programs provided to inmates, the personal services contracts used to provide these programs, the financial results of operation of the Sheriff's Inmate Welfare Fund. The Grand Jury also noted that the Sheriff's Bureau of Building Services, with adequate staffing, could perform many of the repairs that are urgently needed. The work that can be done by the Sheriff's Bureau of Building Services will expedite the repairs and result in substantial savings.

The Grand Jury also discussed staffing in the Sheriff's Department and training of the staff. It also reported on the results of reviews by the State Board of Corrections, the State Fire Marshal, the City's Department of Building Inspections, and the City's Department of Public Health. On June 4, 1999, the Grand Jury met with Sheriff Hennessey and the jail facility commanders. The Grand Jury noted that a substantial number of items requiring action have been corrected. The remaining items that need further attention will be corrected as soon as possible and the inspecting agency so advised.

RESULTS

The Civil Grand Jury did not make any recommendations in its report but required responses from the following:

Mayor Board of Supervisors Sheriff

Finding: The Treasure Island Brig Is Not Practical as a Jail

In an attempt to elevate the over crowded conditions at Jail #3 in San Bruno, and other jail facilities, it was decided that the Treasure Island Brig could be renovated to accommodate approximately 136 prisoners. The decision to use the Treasure Island Brig was based on the assumption that the Sheriff's Department would be able to close floors 4, 5, and 6 at Jail #3, in San Bruno. The staff from this facility could then be reassigned to Treasure Island. It was assumed that the reduction in operational cost at Jail #3 could be used to offset some of the additional expenses that would be incurred at the Treasure Island facility. Unfortunately, the ability to use Treasure Island Brig is now in question. This is due to the fact that the prisoner count has increased significantly and the ability to close any housing floor at San Bruno does not seem likely. There also are not enough Sworn Officers to staff both facilities.

It was originally anticipated that the Treasure Island Brig would be completed and in operation by December 1998. Although completed, this facility has not yet been placed into operation to house prisoners. This renovation, as of June 1, 1999, has cost approximately \$1,500,000.00 to ready the facility for occupancy. The estimated annual operational cost of this facility would be approximately \$5,855,500 including Jail Health Service cost. Based on 136 prisoners, the estimated cost would be approximately \$134 per inmate per day. This inmate cost per day is substantially higher than the other facilities. It is undecided, at this time, when this facility could be put in use. It is the opinion of the Grand Jury that this facility has not proved to be a practical solution, as was intended. Further expenditures and use of this facility should be carefully considered.

Finding: The San Bruno County Jail #3 Needs to Be Replaced

When originally constructed, Jail #3 was intended to house approximately 750 prisoners. For many years this facility has deteriorated because of obsolescence, unobtainable replacement parts, and lack of funds to adequately maintain the premises. In 1992 and again in 1994, propositions were presented to the voters of San Francisco for approval to construct a new jail to replace Jail #3. Both propositions failed to pass.

In May 1991, an "Action" was filed with the United States District Court, Northern District of California. This Action is titled <u>Jones vs. City and County of San Francisco</u>, et. al, No. C91-3453 and is pending before the Honorable William H. Orrick, Jr. This "Action" challenged conditions of confinement at the City's Jail #3 in San Bruno, as being in violation of constitutional requirements.

As the result of this litigation, the number of prisoners has been reduced to 551 and many other items have been or are in the process of being corrected. The key issue is still the replacement of Jail #3.

Due to the failure of the San Francisco voters to approve a bond measure to construct a new jail to replace Jail #3, the City has determined that its only solution is to enter into an agreement with pre-qualified teams. There were five such teams selected and criteria packages, defining the scope of the replacement jail, were sent to them. On December 7, 1998, two teams responded with proposals. Their proposals were evaluated and rated according to objective criteria and on March 12, 1999, the City notified Morse-Diesel International/Prison Realty Trust ("Morse-Diesel") that it had been ranked first and that the City would begin negotiations with it to building the replacement Jail #3. The City anticipates concluding these negotiations and submitting a proposed contract to the Board of Supervisors in the summer of 1999. If negotiations with Morse-Diesel do not result in a proposed contract, the City will then enter into negotiations with the second team, San Bruno Jail LLC, comprised of Salomon, Smith, Barney, and Turner Construction Company. If approved by the Board, the City expects the new jail will be ready for occupancy in the year 2002.

A meeting was held with Deputy City Attorney Joanne Hoeper to discuss the progress being made regarding the construction of the new Jail #3 and the status of the Settlement Agreement. Details regarding the contract for construction of the new jail were not available, except in a general sense, due to negotiations still being conducted. It was disclosed that the new jail would probably be constructed in front of or to the right of the present Jail #3. The structure will be three stories in height and the jail will be of the "Pod" type.

It is the opinion of the Grand Jury that the replacement of Jail #3 is long overdue and action should be taken to replace this facility as soon as possible. Unfortunately, due to the fact that the voters of San Francisco failed to pass a bond issued for the replacement of Jail #3, the cost of the proposed plan will be substantially higher.

Results of Settlement Agreement

Pursuant to a Court Order dated February 26, 1999, plaintiffs and defendants, through their counsel, entered into a Settlement Agreement, which has been approved by the San Francisco Board of Supervisors. This agreement will culminate the action that was started in May 1991. The Agreement was filed with the United States District Court, Northern District of California on May 3, 1999.

Included as a condition of the Settlement Agreement is a requirement that the City pay damages of \$4,200 to each of the seven individually named plaintiffs, for a total of \$29,400 and will pay plaintiffs' counsel a total of \$585,000 in attorneys' fees for all work done on this action until the date of dismissal by the Court.

Expenses to the City and County of San Francisco, for the services of the Office of the City Attorney, to defend this action, have not been calculated. It is reasonable to expect that these fees could equal or exceed those of the plaintiffs' counsel.

GENERAL RESPONSES

Steve Kawa Director of Legislative Affairs Office of the Mayor October 15, 1999

The Department of Public Works is in the final stages of negotiating with a group to design, build and finance a new jail. The Mayor's Office expects to pursue the project in 2000.

Gloria L. Young Clerk of the Board Board of Supervisors August 23, 1999

Pursuant to Section 933 of the California Penal Code, the Board of Supervisors submits the following response to the report filed by the 1998-99 Civil Grand Jury. With respect to the items which requested a response from the Board of Supervisors, please be advised that the Board of Supervisors has no direct jurisdiction over the Public Utilities Commission, San Francisco International Airport, or the Sheriff's Department. To that end, the Board of Supervisors will not hold a formal hearing on the Report. Board members may either call for a hearing at the Committee level, or contact you directly with informal comments should they desire to do so.

Michael Hennessey Sheriff Office of the Sheriff December 6, 1999

I write in response to the 1998-99 reports of the Civil Grand Jury. I compliment the Grand Jury for their thoroughly researched, clearly written presentation of the major duties and functions of the Sheriffs Department and the issues currently of concern to us.

Although they made no specific findings or recommendations, the Grand Jury members clearly articulated their opinion that County Jail #3 should be replaced with a new facility as soon as possible. I agree wholeheartedly and am hopeful that negotiations now underway with Morse Diesel, the construction/finance team that has been chosen through the City's bid process to construct the new building, will be successful. If so, we can look forward to completion of the new building within the next two to five years.

The Grand Jury also expressed concern about the viability of the Treasure Island Brig and questioned the wisdom of further expenditures required to open and operate this facility. The Jury is correct in pointing out that the Brig is not a particularly efficient jail to operate, but it does provide a certain safety valve when population pressure is great. For example, I plan to move 138 prisoners from the jails to the Brig in anticipation of a large number of arrests on New Year's Eve. In so doing, I can ensure that the jail system, particularly the classification system, will continue to operate smoothly. Once permanent staffing is secure, I still plan to open the Brig and use it until the County Jail #3 replacement facility is complete. In my opinion, it is insupportable to house prisoners in County Jail #3 when a safer facility is available.

Gloria L. Young Clerk of the Board Board of Supervisors May 31, 2000

This is in response to your letter of May 31, 2000, concerning recommendations of the Civil Grand Jury for fiscal year 1998-99. The Board of Supervisors has no direct jurisdiction over the various departments referred to in the report. However, the Board of Supervisors may hold a hearing on any issue in the report and suggest recommendations.

Michael Hennessey Sheriff Office of the Sheriff June 13, 2000

I agree with the Grand Jury and am pleased to report that the County Jail #3 replacement is moving forward. This month, the Board of Supervisors and the Mayor approved an ordinance authorizing the Department of Public Works to enter into a design-build contract with Morse Diesel International, Inc. to construct the new jail. In May, the Board and Mayor approved the issuance of certificates of participation to finance the project. Assuming the finance method is validated by the Superior Court in July, construction is tentatively scheduled to begin in October.

Willie L. Brown, Jr. Mayor Office of the Mayor June 15, 2000

The Mayor's Office supports the Civil Grand Jury's opinion regarding the replacement of County Jail #3. We fully support the efforts of the Sheriff's department to construct a new jail. In June, the Department of Public Works was authorized to enter into a design build contract for construction of the new jail, which is tentatively scheduled to begin in October.

CHAPTER 7 TREASURE ISLAND

BACKGROUND

The 1998-99 Civil Grand Jury examined several areas concerning the Treasure Island (TI) and Yerba Buena Island (YBI) development projects. The Grand Jury summarized the activities that have occurred or are in progress.

- Housing The John Stewart Company is now actively engaged in renovating old Navy housing units on TI to bring them up to date for rental.
- Navy Brig The Sheriff's Department has brought the former naval brig to code to meet municipal and State Prison specifications.
- Marina Bids are out to several developers.
- Bay Bridge Much controversy exists concerning new footings and alignment for a replacement span.
- Facilities Programs have been developed to generate revenue through rental of facilities for concerts, flea markets, motion picture and television production.
- Training Plans are underway to develop facilities for Police and Fire Department training Academies.

RESULTS

The Civil Grand Jury made three recommendation and required responses from the following:

Mayor
Director of the Treasure Island Project
Public Utilities Commission
Department of Public Works

Finding: More Time Is Needed to Allow the Project to Break Even

Due to the *Tidelands Trust Act* that applies to all state coastal property, no new development may take place on "fill" (landfill) property. For example, TI was created from landfill from the Bay around a smaller natural island. Yerba Buena Island is a natural island and is not affected by the provisions of the *Tidelands Trust Act*. Existing buildings and structures may live out their "useful life" which could be from twenty to forty years. At this time the *Trust* prohibits any major remodeling such as renting two units and tearing out a common wall. To comply with this restriction, the current renovation program is on a seven-year basis. Everything is to be reviewed in 2006-2007. The Grand Jury sees problems in the long term as the best sites, i.e., most solid, have been appropriated by the state for programs such as the Youth Job Corps leaving mainly the land fill area around the northern perimeter of the island for housing development.

Response to Finding

Annemaric Conroy Executive Director Treasure Island Development Authority October 18, 1999

It is unclear what is meant by this since the Tidelands Trust is not a governing body (although administered by the State Lands Commission) and is not a bank or financing mechanism. The Report implies that the Trust has established some sort of time limitation for development. In fact, as described above, the Trust imposes certain use limitations. The City's reuse plan was drafted to be consistent with the Trust and, thus, is not an impediment of that plan.

Recommendation 1: Negotiate With the Tidelands Trust for Extensions

The City should negotiate with the *Trust* for extensions.

Responses to Recommendation

Annemarie Conroy Executive Director Treasure Island Development Authority October 18, 1999

Under certain circumstances and upon the concurrence of the State Lands Commission, the Tidelands Trust may be removed from Tidelands Trust property in exchange for other property that is useful for Trust purposes, is of equal or greater value, and satisfies certain other legal requirements. However, as noted above, the Reuse Plan for

Treasure Island, which was the result of a multi-year planning effort and significant public impact, including the efforts of a Citizen's Review Committee (CRC) is Tidelands Trust consistent. Swapping the Trust to allow inconsistent uses, such as private office buildings, might violate the basic policy articulated in the Reuse Plan that Treasure Island should remain a public resource available for all San Franciscans to enjoy.

Annemarie Conroy
Executive Director
Treasure Island Development Authority
June 20, 2000

As we noted in our response to the Grand Jury, it is unclear what is meant by this recommendation. The Tidelands Trust is not a governing body (although it is administered by the State Lands Commission) and it is not a bank or financing mechanism. The Grand Jury Report implies that the Trust established some sort of time limitation for the development of Treasure Island. In fact, however, the Trust imposes three principal restrictions: (1) land uses are limited to Trust purposes, (2) sale of fee title of Trust property to private entities or persons is prohibited (although ground leases of up to 66 years are allowed), and (3) revenues generated from the use of Trust properties must be devoted to Trust purposes. Permitted uses under the Tidelands Trust generally include uses that attract people to the waterfront, promote public recreation, protect habitat or preserve open space. The City's reuse plan was drafted to be consistent with the Trust and, thus, is not an impediment to that plan.

Under certain circumstances and upon the concurrence of the State Lands Commission, the Tidelands Trust may be removed from Tidelands Trust property in exchange for other property that is useful for Trust purposes, is of equal or greater value, and satisfies certain other legal requirements. The Tidelands Trust generally does not apply to Yerba Buena Island. In order to allow more flexibility in the potential treatment of housing on Treasure Island (now limited to the life of existing structures), the possibility of a land swap off portions of Treasure Island onto some or all of Yerba Buena may be a possibility.

Finding: More Information Is Needed on the Relocation of the Bay Bridge

The Bay Bridge retrofit has become a political football with Mayor Willie Brown, Jr., and Mayor Jerry Brown of Oakland against Governor Davis. Governor Davis is striving for acceptance of the state and CALTRANS' plan for the relocation of the bridge, while both mayors oppose the plan and endorse their own plans.

While the bridge does not directly affect Treasure Island because it crosses Yerba Buena Island, it has some side effects that could. Building a bypass will be necessary before the

old span can be removed and the new bridge can be built. This bypass would be built north of the present roadway and could interfere with future marina development.

Recommendation 2: Obtain More Information on Costs of Bay Bridge Alignment

More information on the costs and effects of the Bay Bridge Alignment is needed.

Responses to Recommendation

Annemaric Conroy
Executive Director
Treasure Island Development Authority
October 18, 1999

Last summer in response to Caltrans' Draft Environmental Impact Statement on the Bay Bridge, the Project Office obtained the services of Sedway Associates to assess the impacts to economic development of both the northern and southern alignments. It is included as Attachment B. (The attachment is not included in this report. It may be obtained from the Treasure island Development Authority.) The data has been transmitted to all concerned agencies.

Annemarie Conroy
Executive Director
Treasure Island Development Authority
June 20, 2000

The Final Environmental Impact Report for the East Span Bay Bridge has yet to be issued by the Federal Highway Administration and Caltrans. In more than two years of discussions with these agencies, it is clear that most of Yerba Buena Island will be disturbed and recontoured, with the temporary detours and new span seriously compromising historic structures on that island. Accordingly, the City is considering its options for action.

Treasure Island staff has, at every opportunity, made presentations to the press, the public and all concerned agencies regarding the impact of the San Francisco-Oakland Bay Bridge replacement project on Yerba Buena Island.

Finding: The Navy Has Left the City an Enormous Cash Eating Machine

There is a problem with the current water and sewer lines because they were originally installed using Navy "standards" that are well below the standards and specifications of the San Francisco Public Utilities Commission (PUC). The John Stewart Co., with the direction of the TI Project Director, AnnMarie Conroy, is on a "fix as needed" program

with regard to pipe repair and replacement. If a pipe bursts for any reason, the PUC or Department of Public Works are contacted for repairs. As now exists in San Francisco, there is no five-year plan for the replacement of old pipes on Treasure Island. The problem of broken sewer and water pipes will worsen as the land fill naturally compacts and is further compacted by increased vehicle traffic and the settling of buildings and roads causing the substandard piping to stretch and break.

Additionally, on TI the PUC is responsible for the repair of pipe all the way to the outside wall of the buildings. Within San Francisco, the PUC is responsible only for repairs from the street to the curb of the sidewalk and the owner of the property is responsible for repairs between the curb and the building.

Responses to Finding

Annemarie Conroy Executive Director Treasure Island Development Authority October 18, 1999

The Grand Jury feels that the Navy has left the City an enormous cash eating machine. This is incorrect. In summary, although millions of dollars must be spent to correct aging infrastructure and to ensure seismic safety, the Project Office is confident that prudent selection of future development, contract negotiation and current leasing and rental activities can generate enough revenue to support development without using General Fund dollars.

Lawrence T. Klein
Acting General Manager
Public Utilities Commission
July 18, 2000

The discussion on page 166, last paragraph, states: "... on TI the PUC is responsible for the repair of pipe all the way to the outside wall of the buildings. Within San Francisco, the PUC is responsible only for repairs from the street to the curb of the sidewalk and the owner of the property is responsible for repairs between the curb and the building."

This comparison seems to indicate a lack of understanding about the PUC's present role on TI. Specifically, we are merely operating and maintaining these utilities systems on the Navy's behalf, subject to reimbursement for these services. It is not relevant that the service point on TI maintained by the PUC subject to this contract is different than the defined service points within PUC service territory.

Finding: Amenities Such as Food Services, Recreational Facilities, and Heating All Require Large Outlays in Money and Personnel

Presently, to make TI an ongoing and profitable enterprise, programs are in place to generate revenue through the use of its facilities. Private parties, concerts, corporate events, and similar events have been held in the main terminal building or adjacent facilities and have been a success. One problem apparently is that much of the public is unaware these facilities are available for public use.

Response to Finding

Annemarie Conroy Executive Director Treasure Island Development Authority October 18, 1999

One of the basic premises of the Authority's redevelopment and reuse of Treasure Island is that private sector investments will pay the costs of redevelopment, not General Fund revenues. As noted above, the Authority believes that there are sufficient development opportunities on Treasure Island to support all necessary infrastructure improvements, including recreational facilities and utilities. Similarly, we believe there are sufficient business opportunities on Treasure Island for the private sector to provide necessary services such as food service.

Recommendation 3: Cost Analysis Is Needed

Analysis of the cost of the rentals against the cost of the replacement of the utilities and what happens after seven years or 2006 is needed.

Responses to Recommendation

Annemarie Conroy Executive Director Treasure Island Development Authority October 18, 1999

When it reviews applications for subleases and prospective development proposals, the Project Office consistently assesses the impacts to existing utilities and is devising means through grants, loans and prospective development opportunities in which deteriorating infrastructure can be replaced and seismic stability can be funded. This will certainly be the case when the Authority's agreement with the John Stewart agreement expires in 2006. In addition, the Project Office is working closely with the San Francisco Public Utilities Commission to ensure an effective re-build of the utilities systems at Treasure Island.

Thank you for the opportunity to comment on the Report. The potential for Treasure Island to provide superior residential, commercial and recreational activities for the public can be fulfilled with creative and prudent planning.

Annemarie Conroy
Executive Director
Treasure Island Development Authority
June 20, 2000

As it reviews applications for subleases and prospective development proposals, the Treasure Island Development Authority and Project Office consistently assess the impacts to existing utilities. The Project Office seeks a combination of grants, loans and prospective development opportunities in which deteriorating infrastructure can be replaced and seismic stability can be funded. TIDA has issued an RFQ seeking a master developer for the islands. As part of that process, TIDA will work with the selected developer to prepare a comprehensive capital improvement program, including upgrades and replacement of utility systems. In addition, the Project Office is working closely with the San Francisco Public Utilities Commission to ensure an effective re-build of the utilities systems at Treasure Island.

Lawrence T. Klein Acting General Manager Public Utilities Commission July 18, 2000

With reference to #3 regarding analysis of the cost of rentals against the cost of the replacement of the utilities, the Treasure Island Reuse Plan contemplates a phased development of TI/YBI which, in addition to shoring up the perimeter, would compact the existing soil and bring in additional fill.

Through this process, all underground utilities would eventually be destroyed and replaced concurrent with the phased development. It is the SFPUC's understanding that any such replacement utilities will be funded by redevelopment bonds. It is highly unlikely that rentals of existing facilities on TI/YBI can be charged rates sufficient to support the cost of constructing replacement utilities systems. In any event, a comprehensive financial study of this type seems premature at this time.

GENERAL RESPONSES

Steve Kawa Director of Legislative Affairs Office of the Mayor October 15, 1999

The Mayor's Office supports the development of Treasure Island through public and private investment and revenue generated through leasing and rental activities while maintaining the maximum amount of Treasure Island as a public resource accessible and useable by visitors and residents consistent with the Reuse Plan for Treasure Island.

Annemarie Conroy Executive Director Treasure Island Development Authority October 18, 1999

Pursuant to Section 933 of the California Penal Code, the Treasure Island Project Office submits the following response to the findings and recommendations of the 1998-1999 Civil Grand Jury Report ("Report,") issued on August 18, 1999. We are pleased to have this opportunity to correct instances of misinformation and misperceptions. The responses are organized by the Report's section names and page numbers.

Introduction (p. 115)

The Report lists six current activities on Yerba Buena and Treasure islands. These six are addressed in more detail on subsequent pages.

However, the list is incomplete. In addition to the subjects mentioned, the Treasure Island Development Authority is also involved in the following activities:

- The Authority continues to oversee the City's provision of basic City services such
 as police, fire, and utility and road maintenance to Treasure Island under a the terms
 of a Cooperative Agreement with the Navy. To date, the Navy has paid or
 committed to pay the City over \$12 million in order to provide these services on
 Treasure Island.
- The Authority is working with a team of consultant/experts to develop its
 Economic Development Conveyance (EDC) application for transfer of the Base
 from the Navy. The EDC is a complex, technical document which must include the
 Authority's conveyance strategy, a business, plan for redevelopment of the Base,
 financial feasibility analyses supported by proformas, infrastructure cost estimates,

finance strategies and job generation projections among other things.

- The Authority has been closely involved with the passage and implementation of the new federal "No-Cost EDC" legislation which could significantly streamline the Authority's negotiations with the Navy regarding transfer of the Base.
- The City's Planning Department has approved a Preliminary Redevelopment Plan
 for Treasure Island forwarded to it by the Authority. The Authority, with its
 consultant/expert team and Planning Department staff, are now preparing the
 various technical reports, including required blight findings and reports to affected
 taxing entities, needed for adoption of a final redevelopment plan for Treasure
 Island.
- The Authority continues to have an active role in monitoring all aspects of the Navy' clean-up of hazardous materials on the Base, including working with federal and state regulatory agencies (such as the Department of Toxic Substances Control) on a regular basis.
- In addition to the housing with the John Stewart Company, as described further below, the Authority has entered into agreements with the Treasure Island Homeless Development Initiative for the use and occupancy of the first 86 of 222 residential units by TIHDI member organizations.

Housing

• The Report states that the "John Stewart Company (JSC) is actively engaged in renovation on TI to bring them up to date for rental".

This is not completely correct. The Authority and JCS have moved further forward than simply renovation. On January 20, 1999 the Treasure Island Development Authority approved an agreement with the John Stewart Company (JSC) to sublease, rehabilitate, market and manage up to 766 units, 41 on Yerba Buena Island and 725 on Treasure Island. Starting in May, JSC has opened and rented out approximately 40 units per month, totaling 180 units as of September 28, 1999.

The Authority's agreement with the John Stewart Company is expected to generate more than \$45,000,000 to the Authority over seven years and will assist the Authority in achieving financial self-sufficiency, reducing the likelihood that the City's General Fund revenues must be used for such purposes.

The Report (p. 115) states that, "The Navy owns TI and YBI and the City leases
these properties from them". This is partly true. Currently the City has leased a
majority of the two islands, but not all of both.

 On page 115, the report states that San Francisco city employees are offered first priority in property rentals as follows: police department personnel, fire department personnel and SFUSD personnel..."

This is not quite correct. JSC is required by the agreement with the Authority to give a 30-day right-of-first refusal leasing preference to certain categories of personnel. There is no reduction in rental amount.

 On page 116, the Report states that "Also interspersed are 266 units for the 'homeless'. These 'Homeless' are employed residents of San Francisco with no permanent housing.

This is factually incorrect in a number of respects. First, the term "homeless" is defined incorrectly in this context. Pursuant to the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, the Treasure Island Homeless Development Initiative (TIHDI) and the City negotiated a base Closure Homeless Assistance Agreement and Option to Lease Real Property (TIHDI Agreement) which was endorsed by the Board of Supervisors and approved by the U.S. Department of Housing and Urban Development. Under the Agreement, TIHDI has the right to lease up to 90 units on YBI and 285 units on TI. Pursuant to separate subleases between the Authority and TIHDI member organizations, TIHDI will lease up to 222 of the TIHL)I units for homeless and economically disadvantaged San Franciscans. The first phase of the program covers 86 units. Of the 86 units, 30 units will be leased to Catholic Charities to assist homeless families with disabilities, 18 units to the Haight Ashbury Free Clinics to provide transitional housing and 24 hour care to persons needing medical care or treatment, 24 units to Swords to Plowshares for transitional housing for homeless veterans and 14 units to Walden House to provide transitional housing for homeless persons.

 The report states on page 116 that the Tidelands Trust Act does not permit new development on "fill" property.

This is incorrect. As the Grand Jury report noted, Treasure Island proper is composed of landfill placed on former tidelands and submerged lands. As such, the California State Lands Commission has asserted that Treasure Island will be subject to the Public Trust for Commerce, Navigation and Fisheries (the "Tidelands Trust") upon conveyance from the Navy.

However, the Grand Jury report is incorrect in stating that the Tidelands Trust bans all new development on fill property. Rather, the Tidelands Trust imposes three principal restrictions: (1) land uses are limited to Trust purposes, (2) sale of fee title to Trust property to private entities or persons is prohibited (although ground leases of up to 66 years are allowed), and (3) revenues generated from the use of Trust property must be devoted to Trust purposes.

Permitted uses under the Tidelands Trust generally include uses that attract people to the waterfront, promote public recreation, protect habitat or preserve open space. Thus, the hotel, entertainment, and recreation uses contemplated by the Reuse Plan are generally permitted under the Tidelands Trust. On the other hand, residential (except timeshares), non-maritime office, industrial and research and development uses are generally not permitted uses of Tidelands Trust property.

The Treasure Island Conversion Act of 1997 contains provisions that specifically address the applicability of the Tidelands Trust to Treasure Island. Among other things, it provides that certain existing buildings at Treasure Island that are not susceptible for Tidelands Trust uses (such as the existing housing, the Brig, the Fire Training School and Treasure Island School), may be used for non-trust purposes for the remainder of the useful life of such buildings. Such buildings may not, however, be rebuilt or substantially modified or expanded.

Although fee transfers of Treasure Island would be prohibited under the Tidelands Trust, the Authority could, and is prepared to, enter into up to 66-year ground leases of Tidelands Trust property on Treasure Island. The Tidelands Trust generally does not apply to the Yerba Buena Island portions of Treasure Island.

 The Report on page 116 states that, "At this time the Trust prohibits any major remodeling such as renting two units and tearing out a common wall. To comply with this restriction, the current renovation program is on a seven-year basis. Everything is to be reviewed in 2006-2007.

It is true that the sublease with the JSC is for seven years. However, the rationale for the term of the sublease with JSC is that a seven-year term will provide adequate time for housing renovation, infrastructure repair, for the JSC to recoup their \$10 million investment and for the Authority to receive a projected \$45,000,000 in proceeds. In the meantime, the Authority will most likely have completed the conveyance process with the Navy and may have contracted with a major developer to redevelop portions of both islands, bringing in additional revenue.

After the sublease with the JSC expires, the Authority may enter into a new, longer arrangement (up to 30 years) for the continued use of the existing housing. The revenues from such arrangement may be an integral source of financing for the major improvements needed to redevelop the Base.

 On page 116 the Report states further, "The Grand Jury sees problems in the long term as the best sites, i.e. most solid, have been appropriated by the state for such programs as the Youth Job Corps leaving mainly the land fill area around the northern perimeter of the island for housing development". This is only partially correct. It is true that such institutional uses as the Brig, Police Academy, Fire Training school and the federal Job Corps site will most likely generate less revenue to the Authority than privately funded development such as some visitor attractions like hotels and themed attractions. There are however, several areas remaining for development including most of the western shoreline facing San Francisco which is slated for hotel development. Other areas include reuse of historic Buildings 1, 2 and 3, portions of YBI and the area adjacent to Pier 1 slated for recreational and entertainment uses. In the meantime, the Authority can count on a steady revenue stream.

• The report notes on page 116 regarding water and sewer lines:" There is a problem with the current water and sewer lines because they were originally installed using Navy "standards" that are well below the standards and specifications of the San Francisco Public Utilities Commission (PUC). The John Stewart Company, with the direction of the TI Project Director, AnnMarie Conroy [sic], is on a 'fix as needed' program with regard to pipe repair and placement. If a pipe bursts for any reason, the PUC or the Department of Public Works are contacted for repairs. As now exists in San Francisco, there is no five year plan for the replacement of old pipes on Treasure Island."

While it is true that Navy standards for water and sewer lines differ from those currently required in the City, one primary factor contributing to their current condition is age. The Report is incorrect in stating that JSC and AnnMarie[sic] Conroy are on a "fix as needed' program with regard to repair. As stated previously, the Navy still owns Treasure Island and the water and sewer lines. In order to address immediate needs, the Navy has contracted with the SF PUC, not JSC, as part of the Cooperative Agreement, to repair and replace pipes as needed. The PUC has responsibility to repair all lines five feet from outside the walls of the structures covered in the JSC sublease with the Authority. Needed repairs inside the residential units are the responsibility of JSC. Since the City does not own Treasure Island, the City would be irresponsible to embark on an ongoing prevention program before the land is conveyed by the Navy to the City.

The Brig

Renovation of the Brig was completed last spring with the structure in conformance with all City building and fire codes. At this time, the San Francisco Sheriff's Department is seeking adequate funding to permanently staff the Brig. The Sheriff anticipates that occupancy of the prison may commence in March 2000.

The Marina

The Report states that, "Bids are out to several developers". This is not factually correct because the Authority has moved significantly further in the development process.

On February 19, 1999, the Authority confirmed the selection of Treasure Island Enterprises (TIE) as the prospective developer of the Treasure Island Marina and authorized exclusive negotiations with TIE. On March 10, 1999 the Authority approved a series of milestones related to the Authority's negotiations with TIE. On August 18, 1999 the Authority approved an interim operating agreement with TIE for a two-year term pending the completion of final negotiations. In October TIE will present its Development Concept for long-term development of the marina. We expect to present final transaction documents regarding long-term development of the marina to the Authority and the Board of Supervisors within the next nine to 12 months.

Bay Bridge

Since March 1998 the City of San Francisco and the Treasure Island Development Authority's (TIDA) have objected to Caltrans' and the Metropolitan Transportation Commission's (MTC) recommended northern alignment for a new east span. The City's objections focus on the economic impacts during and after construction of the bridge and the environmental impacts to Yerba Buena Island. These impacts are derived from the destruction of almost half of Yerba Buena Island which that will occur during construction, including loss of income from rentals from the Nimitz House and other structures in the historic district and the noise impacts affecting sound stage rentals on Treasure Island. Noise and impacts to historical structures are inadequately addressed in Caltrans' environmental documents. Bridge construction will postpone or perhaps completely destroy plans for implementation of some important aspects of the Base Reuse Plan that includes a bed and breakfast complex, conference center and restaurant. Development of Yerba Buena Island is critical to the Reuse Plan because the Tidelands Trust (mentioned previously) does not apply to Yerba Buena Island. The loss to the City and County of San Francisco in reduced sale value, loss of rental, transient occupancy and property taxes as well as the loss of full time jobs is \$10 million during construction and nearly \$94 million over 30 years. Loss of movie industry spending to the City of San Francisco will exceed \$200 million over the five-year construction period. Such losses reduce the attractiveness of the islands for a master developer and the movie industry, cast a pall over the development of the marina on Treasure Island as well as the long term redevelopment opportunities for the City.

The Report on page 117 states that "The Bay Bridge retrofit has become a political
football with Mayor Willie Brown, Jr. and Mayor Jerry Brown of Oakland against
Governor Davis. Governor Davis is striving for acceptance of the state and Caltrans
plans for relocation of the bridge, while both mayors oppose the plan and endorse
their own plans."

As noted above, the City has long registered its legitimate objections to the plan. Governor Davis has acknowledged such objections. In the meantime, the City has spent \$60,000 for a respected structural engineering firm to analyze the proposed northern alignment and to determine if construction of a new east span along a modified S-1

(southern) alignment is feasible. The firm concluded that even with the straddling of the EBMUD outfall and a tower in deeper water, that construction of a new east span along a southern alignment is less expensive, saving almost \$70,000,000. San Francisco has met with Senator Dianne Feinstein, staff of Senator Barbara Boxer, the City of Oakland, the Port of Oakland, East Bay Regional Park District, the Coast Guard and others seeking to reach a regional solution.

• The Report states on page 117 that "While the Bridge does not affect Treasure Island because it crosses Yerba Buena Island, it has some side effects that could. Building a by-pass will be necessary before the old span can be removed and the new bridge can be built. This bypass would be built north of the present roadway and could interfere with future marina development."

This is partially true. Construction of a new east span along the northern alignment will affect Treasure Island in that during construction barges and other craft in support of demolition of the existing bridge and construction of a new bridge will most likely be positioned in an around Clipper Cove. This may affect marina development and noise from construction will decrease the revenue stream now obtained from rental of three hangars (Buildings 180, 2 and 3) serving soundstages adjacent to Clipper Cove.

The Report also refers to temporary detours that Caltrans plans to build, one of which would be north of the planned bridge. Construction, use and dismantling of the temporary detour (sited almost adjacent and above the Nimitz House), will adversely impact the Torpedo House, Nimitz House and Historic District and the Parade Grounds.

Facilities

 The Report on pages 117 and 118 states that although many events are held on the islands, including a weekly Flea Market, that, "much of the public is unaware these facilities are available for public use".

This is partially true. Certainly the Project Office could focus additional resources on publicizing the venues and virtues of Treasure Island. The Project Office recently hired a Public Information Officer to do just that as well as providing the public with additional information about Treasure Island including upcoming events, the progress of Treasure Island's redevelopment, the conveyance process with the Navy and development opportunities. We are celebrating one full year of inviting the public to Treasure Island on weekends when the island is open to the public during daylight hours. We recently welcomed thousands of visitors for the second successive year for Fleet Week. Please see Attachment A for a list of past visitors and events and future bookings. (The Audits Division did not include the attachment in this report; it may be obtained by request from the division.)

In spite of the lack of focus on disseminating information about special events on Treasure Island, the Project Office receives more than 50 <u>unsolicited</u> requests per week seeking information about renting venues on the two islands. Recent lessees of Buildings 180, Buildings 2 and 3, used for parties and soundstages include Walt Disney's "Bicentennial Man", the fifth season of "Nash Bridges" and the product launch of new Lincoln auto.

Police and Fire Department Training Facilities

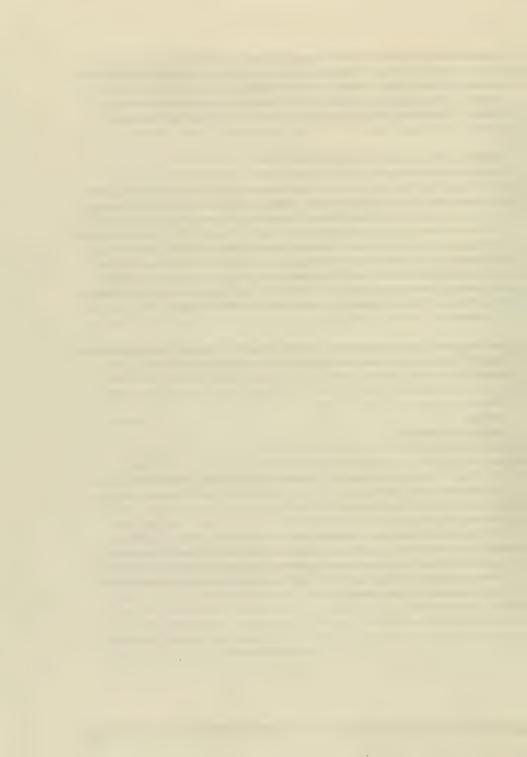
• In regard to Police Department proposal to move the Police Academy to Treasure Island, the Report on page 118 states, "The reasoning to move the Police Academy from its present location in Diamond Heights to Treasure Island is that a bigger and more modern school could be built. This would enable the SFPD to solicit other law enforcement agencies from around the state to send their trainees to San Francisco for training. The Grand Jury doubts that this is viable since other metropolitan police departments from around the state already solicit and provide training to personnel from other communities. However, we commend the Police Department's efforts and ideas to maximize the use of the proposed training facility on Treasure Island."

Any long-term agreements for use of Treasure Island by the Police, Fire Department or Sheriff will be subject to the prior approval of both the TIDA and the Board of Supervisors.

Willie L. Brown, Jr. Mayor Office of the Mayor June 15, 2000

The Mayor's Office agrees with the Treasure Island Reuse plan which is consistent with the land-use restrictions established by the Tidelands Trust, therefore the trust and the reuse plan are in conformity.

The Mayor's Office supports Treasure Island's efforts to prepare a comprehensive capital improvement program with a selected developer. This plan will include recommendations for up-grades and replacements of utility systems. At this time, Treasure Island is working closely with the PUC to ensure an effective rebuild of the utility system at Treasure Island.



APPENDIX

Members of the 1998-99 San Francisco Civil Grand Jury

Michael R. Farrah, Foreman

Patricia A. Mazucco, Secretary

Joseph Chow

David R. Dawdy

Kathleen P. Duffy

George E. Frank

Barry I. Gruber

Edward Holm

William Kelly

Jessica Lindsey

Jay Martin

Maria Lourdes-McIntyre

Janet E. Nedeau

John H. Norcop

Ben D. Ortman

Peter A. Samuels

Laura J. Tudisco

Bernard J. Vash, Sr.



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CITY AND COUNTY OF SAN



OFFICE OF THE CONTROLLER

Edward Harrington Controller

Matthew H. Hymel Chief Assistant Controller

July 31, 2001

Audit Number 01018

Board of Supervisors City and County of San Francisco City Hall, Room 244 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102

President and Members:

As required by Section 2.10 of the San Francisco Administrative Code, the Controller's Audits Division presents its report on the findings and recommendations issued by the 1999-2000 San Francisco Civil Grand Jury, the initial responses to those recommendations by various city departments, and the current status of the departments' implementation of policies and procedures that address those recommendations.

Respectfully submitted,

Edward Harrington

Controller



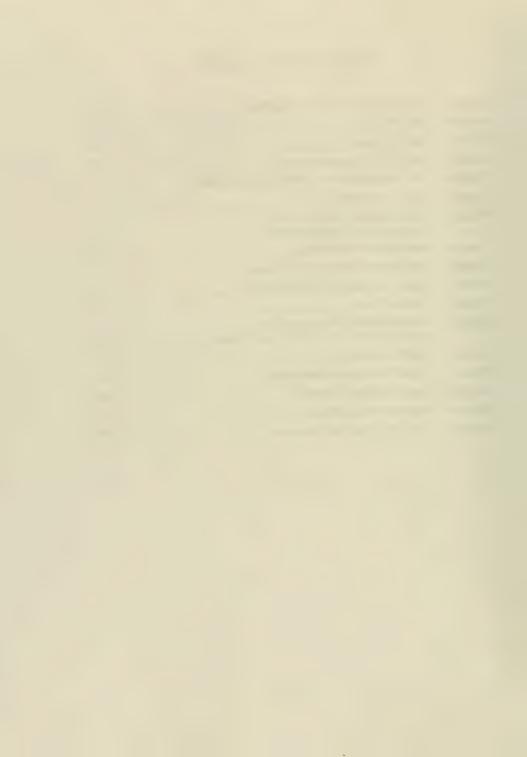
PREFACE

This report by the Office of the Controller of the City and County of San Francisco (City) summarizes the findings and recommendations in the reports issued by the 1999-2000 San Francisco Civil Grand Jury (Civil Grand Jury), which examined issues at various departments in the City. In addition, this report covers the city departments' initial responses to the Civil Grand Jury's recommendations as well as the departments' subsequent implementation of policies and procedures to address the recommendations.

The following text appears in the original reports, and we did not alter the Civil Grand Jury's language. Instead, we edited only to shorten some findings, and we believe that we left intact the meaning of the Civil Grand Jury's text.

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CHAPTER 1 ANIMAL CARE AND CONTROL DEPARTMENT

BACKGROUND

The 1999-2000 San Francisco Civil Grand Jury (Civil Grand Jury) investigated the Animal Care and Control Department (Animal Care). The mission of Animal Care is to effectively, courteously, and responsively enforce all animal welfare and control laws and ordinances and to manage and care for the City's stray, abandoned, and mistreated animal population. The Civil Grand Jury found that Animal Care is doing an excellent job of carrying out its duties. However, the Civil Grand Jury concluded that Animal Care needed to make improvements in the dog-licensing program.

RESULTS

The Civil Grand Jury made four recommendations and required responses from the following:

Mayor Director of Administrative Services Animal Care and Control Department Treasurer/Tax Collector

Finding: Animal Care Should Administer the Dog-Licensing Program

The San Francisco Tax Collector currently has responsibility for administration of the dog-licensing program. Though no major shortcomings were observed in the Tax Collector's administration of the dog-licensing program, improvements in program implementation are possible. Animal Care, which has a more vested interest in the goals and outcomes of the dog-licensing program, is a more logical owner of the program.

Recommendation 1: Transfer License Program to Animal Care

The Mayor's Office of Budget should effect the transfer of responsibility for the dog license program from the Tax Collector to Animal Care.

Responses to Recommendation

Susan Leal Treasurer Office of the Treasurer & Tax Collector November 2, 2000

I generally agree with the Grand Jury's recommendation that "the responsibility for administration of the dog license program be transferred from the Tax Collector to" the Animal Care and Control Department (ACCD). As noted, this move would allow current staff to "concentrate on other priorities, such as collection of delinquent revenue or the Taxpayer Assistance Unit."

However, I also note the documents received by the Grand Jury from dog owners/guardians urging that the dog licensing process "should be made as accessible as possible." In keeping with these sentiments and my commitment to customer service, I believe that dog owners/guardians should still have the option of applying and paying for dog licenses in the Office of the Treasurer & Tax Collector's City Payment center (City Hall Room 140).

Jason Weiner Special Assistant to the Treasurer Office of the Treasurer & Tax Collector May 29, 2001

As of this date, the Office of the Treasurer & Tax Collector has not been contacted regarding this program. The Treasurer remains in agreement with these recommendations.

Carl Friedman Director Animal Care and Control Department May 3, 2001

We concur with the recommendation to eventually take over the dog license program and there has been quite a bit of background work done analyzing the costs and benefits of such a move. Currently, these projections show there would have to be an increase to this Department's (general fund subsidized) budget for this transfer to take place. However, due to the projected budget deficit, we have been requested by the Mayor's office to submit a baseline budget with no new or additional programs. Therefore, when funding becomes available we will reevaluate this recommendation.

Recommendation 2: Make Applicable Changes to the Health Code

Animal Care should prepare draft changes to the applicable sections of the San Francisco Health Code that would be necessary to effect transfer of dog license program responsibility from the Tax Collector to Animal Care. Thought should be given to making the proposed new dog license program as convenient as possible for those who need to buy dog licenses, including interaction with local veterinarians and posting of the license application and instructions on the City website.

Response to Recommendation

Carl Friedman Director Animal Care and Control Department May 3, 2001

In May 2001, Deputy City Attorney, David Greenburg prepared draft legislation for San Francisco Supervisor Mark Leno regarding the transferring of the dog license function from the Tax Collector to Animal Care and Control. This legislation will make it more convenient for our citizens to purchase dog licenses by allowing them to be sold at different locations and through different entities (such as veterinary hospitals and pet stores) throughout our city.

Recommendation 3: Animal Control and Welfare Commission Should Support the Transfer

The Animal Control and Welfare Commission should actively support the initiative to transfer responsibility of the dog license program from the Tax Collector's Office to Animal Care.

Responses to Recommendation

Carl Friedman Director Animal Care and Control Department August 24, 2000

I believe the Commission of Animal Control and Welfare would be very supportive of this change. However, I cannot speak for the Commission.

Carl Friedman Director Animal Care and Control Department May 3, 2001

The Commission of Animal Control and Welfare is very supportive of this change and has written to the Board of Supervisors. Please note that the Commission is a separate entity responsible for advising the Board of Supervisors on animal related matters. Accordingly, this recommendation should me made directly to the Commission.

Richard W. Schulke Chairperson Animal Control and Welfare Commission

The San Francisco Animal Control and Welfare Commission, absolutely endorse the Grand Jury's conclusion that the dog licensing function should be under the control and management of the Department of Animal Care and Control. We have discussed this many times over the years at Commission hearings and always agreed that this would be the best course.

Recommendation 4: Board of Supervisors Should Support the Transfer

The Board of Supervisors should support the initiative to transfer responsibility of the dog license program, particularly with the need of initial seed money to set the program up within Animal Care such that it has the opportunity to become self-funding.

Responses to Recommendation

Carl Friedman Director Animal Care and Control Department August 24, 2000

I have provided the Mayor's Office and Supervisor Brown's office with a proposal for the additional resources needed to effectively administer this program.

Carl Friedman Director Animal Care and Control Department May 3, 2001

I have provided the Mayor's Office and Supervisor Leno's office with a proposal for the additional resources needed to effectively administer this program.

General Response

Steve Kawa Deputy Chief of Staff Office of the Mayor June 21, 2001

Currently, there is pending legislation at the Board of Supervisors that would expand the authority of the Department of Animal Care and Control to issue dog licenses and enter into agreements with pet-related businesses and animal welfare organizations to issue dog licenses. Animal Care and Control and the Treasurer/Tax Collector would share the responsibility of issuing dog licenses.

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CHAPTER 2 CLUB PERMITS

BACKGROUND

The 1999-2000 San Francisco Civil Grand Jury (Civil Grand Jury) investigated the club permitting process by the San Francisco Police Department (Police Department). Many of San Francisco's dance clubs are located in San Francisco's South of Market (SOMA) area, which is policed by the Police Department's Southern District station. All clubs operate under permits issued by the Police Department. In recent years, the Southern District station has acted to suspend and/or terminate a number of these club operating permits for a variety of incidents ranging from drug use and dealing inside of clubs to theft of property such as cell phones and excessive noise.

The efforts of the Southern District to rein in the clubs became publicly controversial in July of 1999 when the Police Department sought the suspension of the operating permits of the City's largest dance club, Ten 15 Folsom, for negligent management. The Civil Grand Jury investigated whether the Police Department's club permitting process is unfair to club owners.

RESULTS

The Civil Grand Jury made six recommendations and required responses from the following:

Mayor Board of Supervisors Police Department

Finding: Suspension or Revocation of Club Permits Are Not Fairly Attributable to Club Management

The Police Department's present practice is to cite all incidents which they believe are related to a club as evidence of negligent management. Even incidents which take place outside of a club's premises and over which club management has little or no control, such as car break-ins in alleys on nearby streets or "suspicious" persons hanging around the club's premises, are cited in the police complaints and permit hearings to suspend or revoke a club's permits. Anonymous third-party complaints about a club may also be used to institute permit suspension or revocation proceedings.

Finding: The Permit Process Appears to Allow the Police to Set Public Policy on the Existence of After-Hours Clubs

The Southern District's permit office approved the application to transfer the DNA Lounge Nightclub's existing operating permits. However, the permit office made the issuance of the permits contingent upon 18 new conditions. The conditions effectively revoked the club's after-hours operating permit, which allowed the club to stay open until 6 a.m. every day and without which the club would have had to close at 2 a.m. on weekdays and Sundays and prohibit people from entering after 2 a.m. on all nights. The new owner brought an appeal to the Board of Appeals, which overturned the Police Department's decision.

One of the charges of the club's new owner was that the police were imposing a de facto moratorium on after-hours clubs. While there is no official moratorium, no after-hours permits appears to have been granted in SOMA in the last five years. The reason for this is not clear. One police officer acknowledged to the Civil Grand Jury that the problems with clubs are not correlated to the holding of after-hours permits. In fact, with many clubs closing at the same time, at 2 a.m., the police often have difficulty dealing with incidents occurring at different places at the same time. Occasionally, the district will run out of officers and have to draw on other districts to respond to calls. However, after-hours clubs, however, close at different hours, which can reduce the burden on police at concentrated times.

By enforcing the permit process in the manner that it does, the Police Department's Southern District essentially sets policy on after-hours entertainment in SOMA. While the desire of the police to reduce problems related to clubs is laudable, the role of the police is to protect the public and preserve the peace, not to set public policy on the hours that businesses are permitted to remain open. If elected officials make the legislative determination that after-hours clubs are detrimental to the public's health and welfare and should be eliminated, that is the proper function of that branch of government and not a proper function of law enforcement.

Recommendation 1: The City Should Establish a Permit Commission

The City should establish a permit commission based on the model presented by the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT), established in 1983 to consider all applications for the temporary use or occupancy of public streets for street fairs or athletic events such as the annual Bay to Breakers race.

ISCOTT consists of the department heads, or their designated representatives, from the departments of Parking and Traffic, Public Works, Police, Fire, Public Health, Municipal Railway, and City Planning. The Director of the Department of Public Works, or his or her designee, serves as the Chair of the committee. Although not on the committee, the Director of Administrative Services, or his or her designee, reviews the recycling plan for the proposed event and makes a recommendation to the committee about whether or not the committee should approve the application.

Response to Recommendation

Fred Lau Chief of Police Police Department October 16, 2000

The Police Department has no fundamental objection to the establishment of an administrative body, made up of representatives from the relevant City departments, to decide issues regarding entertainment permits.

Finding: No Standards for Club Permit Requirements

Currently, the conditions imposed upon permit holders vary in type and severity depending upon the permit officer's personal determination and opinion about an applicant or permit holder. Department heads provide only verbal guidance to permit officers; there are no written guidelines for permit officers to follow. Instead, the permit officer interviewed by the Civil Grand Jury said that the conditions imposed on permit holders are based on "good sense and good police work." Such vague and subjective bases for setting permit conditions do not make for just decisions about business permits.

The club owners interviewed by the Civil Grand Jury report frustration in their dealings with the police over permits because they do not know what standards they are being measured against or what requirements will next be instituted by a permit officer and a district captain. As one owner put it, the police are constantly presenting club owners with a "moving target" when it comes to permit conditions.

Recommendation 2: Standards for Clubs Should Be Specified in the Police Code

The conditions for clubs to meet should be standardized and specified in the Police Code, as with the conditions imposed on applicants for street use permits.

Response to Recommendation

Fred Lau Chief of Police Police Department October 16, 2000

The conditions that clubs need to meet are standardized in the Police Code; including, but not limited to Police Code sections 1060, et seq; 1022, et seq; 2900, et seq; and Planning Code sections 803.5(g) and 203.

Other conditions that will vary from nightclub to nightclub are items agreed to by the Police Department and club owner that address the issues particular to the club in question. Decisions regarding parking and security needs, lighting, signage, patron line management, white zones, surveillance cameras, entry/exit doors, etc., is contingent on factors unique to the club in its size, location, occupancy, limits, physical structure, etc. These types of conditions to entertainment permits would be impossible to standardize and codify because of the different facts presented the permitting agency with each permit petition or action.

Recommendation 3: Treat Club Permit Applicants and Permit Holders Equally

Applicants and permit holders should be treated equally throughout the permit process.

Response to Recommendation

Fred Lau Chief of Police Police Department October 16, 2000

The Police Department agrees with that sentence. It is unclear, however, what the author means by equal treatment in the paragraph that follows that first sentence. Is he/she referring to permitting in general, or to club operations between the hours of 2 a.m. and 6 a.m.? Is it a restatement of the question regarding permit conditions that was posed in recommendation #2 above?

Finding: The Police Department Does Not Have Any Rules on What Constitutes a Complaint Attributable to Nightclubs

Presently, the Police Department does not have any rules or published guidelines on what should constitute a complaint attributable to nightclubs. Therefore, the police may cite incidents or crimes occurring on neighboring streets to clubs, in the belief that these incidents and crimes happen there because the clubs attract people to the area. This practice appears to be flawed and unfair to clubs because, by extension, the merchants in Union Square, the San Francisco Giants at PacBell Park, or the operator of any large venue in the City should likewise be held responsible for the incidents and crime occurring near their premises due to the crowds that they draw.

Police Department permit officers are given only general guidance by department heads about what incidents may be used in a permit hearing. The police have stated that they attribute the drug activity outside of a club to that club because the club attracts people who "might be predisposed to late-night drug use." Thus, the Police Department, by threatening to revoke the permits which clubs need to operate, effectively hold the clubs responsible for the acts committed by a handful of individuals, some of whom may not even be club patrons.

Recommendation 4: Fully Inform Permit Holders About Permit Violations

Permit holders should be fully informed as to the types of incidents that will be attributed to them as permit violations and subject them to a permit hearing for the suspension or revocation of permits.

Response to Recommendation

Fred Lau Chief of Police Police Department October 16, 2000

It is not possible to specifically identify all the incidents that could potentially subject a nightclub to reprimand, suspension or revocation; however, there is a state and local law that specifies certain prohibited activities. (See relevant Penal Code, Health and Safety Code, Business and Professions, Municipal Police Code and Planning Code sections).

In all circumstances, it is the burden of the officials bringing an action against a club and its permits to establish a nexus between the complained of conduct and the club in question.

Finding: Police Officers Are Prevented From Providing Security to Clubs While Off Duty

The 10(b) program is a voluntary overtime program which allows the use of uniformed police officers as security personnel at special events, sports matches, construction sites, filming sites, dance clubs, and department stores. A moratorium was placed on the 10(b) program for clubs because the Chief of Police perceived a conflict of interest in having a police officer work for a club on a regular basis and be paid by the club through the program. Such an ongoing relationship could create a conflict for the officer when observing criminal activity or problems in the club.

Only two clubs, the Sound Factory and City Lights, both owned by the same owner, are currently allowed 10(b) officers. The moratorium should be lifted and all clubs should be offered the use of officers. The conflict problem could be reduced by imposing a limit on the amount of overtime hours an individual officer can work under this program. Alternatively, clubs could form a trade association to fund the use of 10(b) officers. Such an association could also represent the clubs' legitimate business interests and set up community projects to mitigate some of the negative effects of the presence of clubgoers in the neighborhood, such as cleaning trash and debris from streets or deploying trained health staff to distribute anti-drug literature and informational materials at club events.

Recommendation 5: Make the 10(b) Program Available to All Club Owners

The 10(b) program should be made available to all club owners, after a restructuring of program to remove the potential for conflicts of interest.

Response to Recommendation

Fred Lau Chief of Police Police Department October 16, 2000

The Police Department agrees.

Finding: The Police Department Does Not Have Criteria to Measure Noise at Clubs

Presently, the Police Department does not have firm criteria to measure the noise emanating from a club. Different noise stipulations are therefore placed on permits. As a general rule, noise should not be audible on another person's premises. Noise problems usually result when a club opens its windows or doors. The Police Department's Central Dispatch handles noise complaints related to loud music or noise from dance clubs. After a documented warning, an officer can issue a citation under Section 415(2) of the Penal

Code and arrest the offender. If noise is a chronic problem, the Police Department 's Noise Abatement Unit assists in resolving the situation.

A few police officers have attended a special noise evaluation training class at Rutgers University in New Jersey. However, the Police Department acknowledges that standard noise guidelines are not used, claiming that to do so is not feasible as club locations and sites differ. Notwithstanding location and site variation, standardized criteria as to acceptable noise decibel and occupancy levels should be developed to eliminate differences in the treatment of permit holders. The Civil Grand Jury was informed that the Police Department and the Department of Public Health have worked on redrafting the current noise regulations. The two departments should move forward to complete their redraft of the regulations with appropriate input from parties that would be subject to them.

Recommendation 6: Standardize Decibel Levels for Clubs

Decibel levels should be standardized for all clubs and based upon up-to-date engineering criteria.

Response to Recommendation

Fred Lau Chief of Police Police Department October 16, 2000

Concerning the development of new noise regulations-the Police Department is moving forward with a redraft of the current "noise" ordinances.

General Response

Steve Kawa Deputy Chief of Staff Office of the Mayor June 21, 2001

The Mayor's Office agrees with the response of the San Francisco Police Department (SFPD) regarding club permits, and our response remains the same. The SFPD states that the conditions for club permits are specified and standardized in the Police Code and other relevant code sections. Regarding noise regulations, the SFPD is in the process of revising current noise ordinances to update them with new noise regulations. Regarding the 10(b) program, the SFPD is currently reviewing the administrative feasibility of expanding its applicability to all club owners and avoiding potential conflicts of interest that may arise to these changes.

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CHAPTER 3 CULTURAL CENTERS

BACKGROUND

The 1999-2000 San Francisco Civil Grand Jury (Civil Grand Jury) investigated the operation of the four cultural centers maintained and operated by the San Francisco Art Commission. The four city-owned cultural centers are operated by nonprofit arts organizations. All of the centers offer a wide range of classes, many of which are targeted at youth or senior citizens. While all people, regardless of race or ethnic background, are welcome in all centers, some centers are primarily devoted to a specific ethnic community. All of the centers serve all the citizens of San Francisco as cultural magnets and resources.

The Civil Grand Jury found that in each case the staff is highly motivated, well-educated and trained for his or her particular position. Above all, the staff at the cultural centers are dedicated to the groups they serve. While the Civil Grand Jury praises the staff and the work they are doing, it also found that in every center there are serious problems in the facilities themselves which, if not rectified, could lead to serious and avoidable consequences including the possibility of loss of life in the event of a major earthquake.

RESULTS

The Civil Grand Jury made five recommendations and required responses from the following:

Mayor

Mayor's Office of Community Development

Art Commission

Department of Public Works

The Board of Directors of the Bayview Opera House

The Board of Directors of the Center for African and African-American Art and Culture

The Board of Directors of the Mission Cultural Center

The Board of Directors of the South of Market Cultural Center

Finding: Retrofitting of the Cultural Centers Has Not Yet Occurred

A report prepared by the Cervantes Design Associates in association with the Saylor Consulting Group reflects that, despite the fact that the San Francisco Art Commission commissioned a capital improvements report in 1993, the recommended retrofitting has not been accomplished. The Bayview Opera House is in need of earthquake retrofitting. The top two floors of the Mission Cultural Center are in need of earthquake retrofitting. The Center for African and African-American Art and Culture is in need of earthquake retrofitting.

Recommendation 1: Seek the Mayor's Support for Earthquake Retrofitting of Some Cultural Centers

Support should be sought from the Mayor's Office for immediate infrastructure upgrade.

Response to Recommendation

Edwin M. Lee Director of Public Works Department of Public Works November 3, 2000

The Civil Grand Jury Report is recommending upgrades to three cultural centers: Bayview Opera House needs earthquake retrofitting, top two floors of the Mission Cultural Center are in need of earthquake retrofitting and the Center for African and African-American Art and Culture is in need of earthquake retrofitting.

DPW examined these facilities previously and provided reports indicating the seismic hazard rating (SHR) of each. They are listed in our records as follows:

Bayview Opera House -SHR 1 Mission Cultural Center- SHR 3 Center for African and African-American Art and Culture -SHR 3

As a work order funded department, DPW would welcome the opportunity to assist in the development and execution of these capital projects. DPW has the technical expertise available to assess deficiencies and develop projects to repair and renovate these facilities. As we have assisted other departments, DPW is also willing and able to assist in the development of a funding strategy and capital program to address this need. Although a previous bond proposal was prepared and failed, a thorough investigation of additional revenue sources (i.e., private foundation capital grants) is warranted prior to making further request of public funds. This appears to be a concern of groups opposed to use of G.O. Bonds for this purpose.

Finding: Some of the Cultural Centers Do Not Meet the Standards of the American Disabilities Act

The Bayview Opera House does not meet the standards of the American Disabilities Act (ADA) as to the bathrooms on the first floor, the photography lab, and the main entrance. The main entrance of the South of Market Cultural Center (SOMARTS) is not in compliance with the ADA. The Mission Cultural Center and SOMARTS are in need of new elevators.

Recommendation 2: Seek Support From the Mayor's Office to Enable Some Cultural Centers to Meet ADA Standards

Support should be sought from the Mayor's Office for funds to bring the Bayview Opera House and the main entrance of SOMARTS into compliance with the ADA. The Art Commission should advise as to the steps being taken to secure funds for new elevators for the Mission Cultural Center and SOMARTS.

Finding: SOMARTS Needs Soundproofing

The SOMARTS staff advised the Civil Grand Jury that SOMARTS building's walls are made of corrugated sheet metal and there is no soundproofing. The noise emanating from the building is in excess of the limits set down by the California State Health and Safety Code and ADA requirements. An alternate solution for the noise issue would be to obtain a legislative exemption from the Board of Supervisors since there are no residences in the vicinity.

Recommendation 3: Describe How Funds Will Be Obtained to Soundproof SOMARTS

The Art Commission should advise as to the steps being taken to secure funds for soundproofing for SOMARTS.

Finding: The Cultural Centers Need to Gain Community Support for Bonds to Support the Cultural Centers

The community support boards of the cultural centers have been unsuccessful in obtaining the wide support needed to ensure the passage of bonds necessary to properly fund the cultural centers. Wide support for funding is also needed in order to complete upgrading of the facilities and to enhance their programs. The community support boards of the cultural centers have also been unsuccessful in educating the public through community outreach to the local community as well as to the entire city. Further review of the cultural

center reports to the Art Commission does not clearly reflect that the cultural centers are meeting the funding requirements as outlined in Section 515 of the Business and Tax Regulations Code.

Recommendation 4: Determine the Role of the Community Support Boards to Obtain Funds for the Cultural Centers

The Art Commission should determine what steps the community support boards of the four cultural centers have taken and need to take in order to carry out their responsibilities to obtain funds for the cultural centers and advertise the unique activities of the centers.

Recommendation 5: Require Cultural Centers to Establish Formal Community Support Boards

The Art Commission should require each cultural center to set up a formal community support board composed of both local community members and city-wide members who are able to help the center meet its financial goals and increase city-wide recognition of each of the cultural centers.

Responses to Recommendations

Walter Johnson President Bayview Opera House Board of Directors January 8, 2001

It is our belief and understanding that we have complied with the requirements interpreted by the Art Commission in the grant agreements signed since adoption of the new legislation. Each year we have held the required six community meetings and submitted documentation to the Art Commission.

However, we feel it is important that the City Attorney and the Art Commission find a clear interpretation of this legislation. Since adoption of this legislation there has been a great deal of confusion surrounding the action that cultural centers are require to take relative to community support meetings. The Art Commission instructed that these meetings were to be publicly noticed and the agenda should include A) Current Opera House Programs B) Future Program Plans C) Community Input. In the beginning of this process a representative from the Art Commission attended these meetings and tape recorded the sessions. If we were not following the expected process it was not communicated. This process was used with all four of the City owned cultural centers.

Upon review of the legislation, we feel that the Opera House has been in compliance with this legislative requirement by the very nature of the makeup of our board of directors. The legislation does not define what a community support board means. This has been open to the interpretation of the Art Commission, which we believe has led to the confusion.

The legislation states:

"that the cultural center has had an active community support board dedicated to community outreach, fundraising, and advocacy on behalf of the cultural center In the prior years. For the purpose of this Section, an "active community support board" shall mean a board that has convened on at least six occasions during the year.

While we have held the required six community support meetings, it is our feeling that the board of directors -which is predominately a community resident board with members who advocate on behalf of the organization and includes members experienced in fund raising – fulfills this requirement. We meet 10-12 times per year; our committees are open to volunteer involvement by community members; and we have a strong outreach program. Community members are invited and encouraged to sit on the program, fund raising and facility committees, and approximately 35 members of the community have met twice a month since September to work with us on developing a Juneteenth event for June 2001. With all this community involvement, we feel the legislation as interpreted by the Art Commission has added another bureaucratic layer to the process that the community is loath to participate in.

We feel that a clear interpretation of the legislation is required before the Art Commission can fairly evaluate whether the Cultural Centers are in compliance with this requirement.

I hope that this response is helpful to your process. Our delayed response was due in part to our need to research the legislation and investigate our own, as well as, the Art Commission's interpretation. Please do not hesitate to contact me if you required any additional information and I will respond immediately.

Jennie E. Rodriguez Executive Director Mission Cultural Center for Latino Arts January 23, 2001

I would like to explain the process by which the Mission Cultural Center conducts community outreach which educates the public and which promotes the Center's activities to the Latino Community as well as to the entire city.

Since November 1997, MCCLA has been holding six regular Cultural Support Committee meetings per year. These meetings are advertised through The New Mission News and El Latino Newspapers, and in the Center's monthly Calendar of Events (mailed to 1,000 homes each month). Flyers are posted throughout the community and distributed in our building to participants and visitors.

At these meetings we discuss issues such as MCCLA's structure, bylaws, programs & services, board membership, teaching application process, and how to

become a volunteer. Often, community participation at these meetings is cyclical and issue/theme oriented. This factor has affected overall attendance to these meetings. For example, the Cultural Support Committee is very active in overseeing the Center's contingent for Carnaval. We know from past experience that the months leading up to Carnaval will have solid community participation. The development of our free programming for children and teens is a direct result of the Cultural Support Committee. It is frustrating to us that meeting attendance wanes if there is no problem or activity of interest. We genuinely seek to have MCCLA function as a center which is run from the ground up -where community input shapes programming.

The Mission Cultural Center also makes free meeting space available to community groups holding meetings and fundraisers. I am attaching a list of some of the groups who have benefited from space use at the Center over the past six months. I feel that much of our direct outreach to the Latino Community is conducted in this manner, and that these agreements contribute to the unique relationship which MCCLA holds with the Latino community and the people of San Francisco.

I am pleased to announce that the Center is about to hire a permanent, part-time Publicist and Events Coordinator, both of whom will be concentrating on the development and promotion of the Cultural Support Committee. I feel that their efforts will generate greater participation at future meetings, and will contribute to a healthier 'flow of communication between the Center and the people of San Francisco.

Pam David Director Mayor's Office of Community Development May 9, 2001

In regards to Chapter 3, Cultural Centers, it appears that MOCD was required to respond to the fourth recommendation because we provide funding for capital improvements to non-profit organizations serving lower income San Franciscans. However, the specific recommendations direct the Art Commission, not MOCD, to take specific actions. In fact, MOCD is not mentioned in any of the discussion, so it is unclear as to what exactly we are supposed to respond.

It is possible that some of the capital needs of the cultural centers, as raised by the Grand Jury report, might be eligible for the capital funds administered by MOCD. These funds, which originate from the federal Community Development Block Grant (CDBG) program, are distributed yearly to non-profit organizations as the result of an annual competitive process. With few exceptions, the cultural centers referenced have not regularly applied for CDBG funds (we believe SOMARTS did receive some funding for ADA upgrades nearly a decade ago, and Bayview Opera House has more recently discussed CDBG funding with us).

If and when they apply, the cultural centers are in competition with scores of other community-based non-profit agencies providing a range of programs and services to lower income San Franciscans. We prioritize health and safety code issues, as well as ADA improvements. Normally, our requests for funding far exceed the dollars made available to us each year by the US Department of Housing and Urban Development, so many worthy projects are not able to be recommended for inclusion in our yearly CDBG program.

We widely publicize the availability of our yearly Request for Proposals, hold numerous public hearings prior to establishing yearly priorities, and offer technical assistance to potential applicants. In addition, our funding recommendations are made by a Mayoral-appointed Citizens' Committee, public hearings held on the preliminary recommendations, and final recommendations submitted to the Board of Supervisors for their public review and approval. Our 2001-2002 program was just approved by the Board of Supervisors and the Mayor last week.

Ernie Rivera President SOMARTS Board of Directors May 21, 2001

Our center and the other three centers have been in negotiation as to the function and composition of our Community Support Boards with the staffs of the San Francisco Art Commission and the City Attorney. The staff of the San Francisco Art Commission has informed us that they will be recommending to the Board of Supervisors and the Mayor changes to the enabling legislation that will provide more clarity for our guidance. We will accept the Art Commission's determinations and requirements after review by the SOMARTS Board of Directors.

General Response

Steve Kawa Deputy Chief of Staff Office of the Mayor June 21, 2001

The Mayor's Office agrees with the Civil Grand Jury's assessment that the City's Cultural Centers are in need of infrastructure upgrades and retrofits. In 1999-2000, the Mayor's annual budget provided \$166,000 to the Arts Commission for the purpose of capital improvements. These funds are allocated according to priorities established by the Arts Commission.

In 2001-2002, the Mayor's budget allocates \$310,000 for capital improvements/facilities maintenance. These funds are allocated according to priorities established by the Arts Commission. The Mayor's budget also allocates \$3.5 million for a citywide ADA transition plan in which the cultural centers should be addressed.

CHAPTER 4 OFFICE OF EMERGENCY SERVICES

BACKGROUND

The 1999-2000 San Francisco Civil Grand Jury (Civil Grand Jury) investigated the Mayor's Office of Emergency Services (OES) to determine how well prepared the City is to cope with an earthquake comparable to those of 1906 and 1989, a terrorist attack, a tsunami, a hazardous material spill, or other life-threatening disaster.

Members of the Civil Grand Jury indicated they were encouraged by the state-of-the-art technology of the Command Center on Turk St., the perceived competence of the center's director and staff, and the Fire Department's Neighborhood Emergency Response Team (NERT) training program, and the network of Volunteer Ham Radio and REACT communicators to provide back-up and supplementary radio channels in an emergency. The Civil Grand Jury also cited the progress in retrofitting public school buildings, some of the freeway structures and City Hall, the plan to have City Hall become the center of government responses to a disaster, and attempts to inform the general population on the emergency services that are available when disaster strikes.

RESULTS

The Civil Grand Jury made four recommendations and required responses from the following:

Mayor
Director of the Office of Emergency Services
Fire Department
Department of Human Resources
Police Department
Department of Public Health

Finding: Positions at the OES Are Filled Through Mayoral Appointment

The director of OES and the five staff positions are filled through mayoral appointment and that there is no procedural or legal impediment to a newly elected mayor filling all six positions with people who are more adept at political organizing than coordinating emergency services. In view of the history of major earthquakes in San Francisco and the Bay Area and the probability that comparable earthquakes will occur, the OES needs expertise, continuity and experience to ensure that competent professionals are in the position of coordinating emergency services in the event of a major disaster.

Recommendation 1: Convert Staff Positions From Appointive to Civil Service

Convert the director's position of the OES and the five staff from appointive to competitive civil service positions to ensure continuity in the coordination of emergency services. One solution could be to move the OES from the Mayor's Office to another City department with a civil service infrastructure, such as the Department of Administrative Services.

Response to Recommendation

Lucien G. Canton Director Office of Emergency Services November 14, 2000

With regard to the recommendation that the Office of Emergency Services be converted to civil service positions and possibly placed under the Department of Administrative Services, the San Francisco Mayor's Office of Emergency Services disagrees with the finding. The San Francisco Administrative Code, Section 7.7, specifies that the position of Director of Emergency Services shall be filled by appointment by the Mayor and that the position shall be subordinate only to the Mayor. The intent of the legislation is to create an office in which the Mayor has complete trust and confidence and one that is perceived by departments and agencies as a neutral arbiter of emergency planning issues. Making the positions within the Office of Emergency Services civil service positions and placing it under another agency would have a severe impact on the ability of the Office of Emergency Services to fulfill its responsibilities under the Administrative Code. Consequently, the recommendation will not be implemented.

Finding: Planning Needed to Transport Fire and Police Personnel Living Outside the City

The Civil Grand Jury expressed concern about the delays and other logistical problems in getting firefighters and police officers into the City in an emergency since 64 percent of the firefighters and 60 percent of the police personnel live outside San Francisco.

Recommendation 2: Plan for Transporting Fire and Police Personnel into the City

Devise a logistical plan to ensure that sufficient fire and police personnel living outside San Francisco can be transported to the City in an emergency.

Responses to Recommendation

Paul J. Tabacco Acting Chief of Department Fire Department October 3, 2000

The Department has specific "Recall Procedures" as standard operating procedures should a major emergency or disaster occur. The following excerpt is taken from the Department's Disaster Operations Manual revised as of August 26, 1999.

RECALL PROCEDURES

- 1. In the event of an earthquake or other major disaster in San Francisco, the Chief of Department may order back to duty all off-duty officers, firefighters, paramedics and other selected personnel of the San Francisco Fire Department. The only exceptions to recall are those department members off duty due to S/P, D/P, Light Duty or Vacation. Recalled personnel shall report as soon as possible to:
 - a) Their assigned fire station or place of duty.
 - b) The nearest Battalion headquarters, if they are unable to get to their assigned station due to adverse road conditions, lack of transportation, excessive damage.
 - c) A pre-designated staging area for transport, when instructed to do so.
- 2. In the event a disaster occurs in San Francisco requiring the recall to duty of department members, off-duty members shall be notified by telephone by their home companies, if conditions permit. In the event of a disaster, (earthquake, haz mat, terrorist attack, etc.) it in itself will serve as notification to be alert for recall. Additionally, information and recall notifications will be broadcast via the EMERGENCY ALERT SYSTEM (EAS) which utilizes all local radio and television stations and will be carried in newspapers as well. Department

members shall be alert to monitor these sources to receive recall notification, instructions and information. RETURN TO DUTY ONLY WHEN NOTIFIED. The recall of department personnel will be based on need and will be accomplished in one of the following ways or any combination thereof:

- a) All Department Personnel are Recalled to Duty
- b) By Watch
- c) By Battalion
- d) By Rank
- e) By Specialized Skills (i.e. Paramedic, EMT, USAR, Heavy Rescue, Haz Mat, etc.)
- All off-duty personnel shall accept recall notification via the EAS as authoritative confirmation thereof, and shall comply with the provisions of the Disaster Operations Plan relating to return to duty.
- 4. Before returning to duty, department personnel are instructed to do the following:
 - Take appropriate action to ensure the safety and survival of themselves, their family, co-workers or others within their area.
 - b) Department members should advise their families that they may be gone for as long as 72 hours before returning home.
 - c) Also, when reporting for duty, recalled personnel should have enough money, personal items, medicines and clothing with them for a 72-hour period.
- All recalled department personnel shall report immediately to their regular duty station for assignment. They shall not report directly to the location of any incidents, unless specifically instructed.
- 6. If possible, Department members should make every effort to carpool when returning to duty during a recall.
- 7. The Mayor's Office of Emergency Services has an agreement with the Blue and Gold and Red and White Fleets, the purpose of which is to establish a plan of action for transporting city emergency workers (firefighters, police, doctors, nurses, etc.) from Sonoma and Marin counties and East Bay points to the city in the event of a catastrophic disaster. This plan is known as OPERATION RETURN. The assistance will commence if the Golden Gate and Oakland Bay Bridges are inoperable or temporarily closed. Department personnel are instructed to listen to radio or television for information regarding pick-up points, time schedule and which emergency workers are being transported.
- 8. The agreement states that if a major earthquake strikes San Francisco, the normal ferry boat operations will be augmented and the boats will be reporting

to selected landing sites in Marin (Larkspur and Sausalito), Sonoma County (Petaluma Marina) and the East Bay (Jack London Square and Berkeley Marina) for pick-up of city emergency workers. The response of the ferry boat companies will be done automatically if telephones are out of service and telephonic request cannot be made.

- 9. Personnel will be transported to the city and dropped-off at designated points for transportation to their work site or ERDs. Transportation from drop-off points will be provided by MUNI and/or Taxicabs, however this is dependent upon what arrangements have been made by the ECC. All personnel are instructed to listen to the EAS for all recall information.
- All transportation will be provided upon the presentation of proper department identification card.

OPERATION RETURN

A significant number of City and County of San Francisco employees live in nearby counties. Closure of major bridge routes virtually isolates the City. This plan describes the method by which city employees will return following an earthquake or other disaster resulting in closure of the Golden Gate and Bay Bridges to perform their disaster service worker roles.

Priority in a Level 3 emergency is given to responder departments whose role includes saving lives and protecting property. Employees of the following departments and agencies have priority via surface watercraft during the initial 72 hours following a Level 3 emergency:

FIRE DEPARTMENT
POLICE DEPARTMENT
ECC AND EOC DESIGNEES
CARD AGENCY REPRESENTATIVES
DEPARTMENT OF BUILDING INSPECTION
DEPARTMENT OF PUBLIC HEALTH
SAN FRANCISCO INTERNATIONAL AIRPORT
MUNICIPAL RAILWAY
DEPARTMENT OF PARKING AND TRAFFIC
PORT OF SAN FRANCISCO
DEPARTMENT OF PUBLIC WORKS
RECREATION AND PARK DEPARTMENT
SHERIFF'S DEPARTMENT
DEPARTMENT OF ELECTRICITY AND TELECOMMUNICATIONS
WATER DEPARTMENT
SAN FRANCISCO UNIFIED SCHOOL DISTRICT
PURCHASING DEPARTMENT

A Level 3 emergency as defined in the City and County of San Francisco Emergency Operations Plan is of maximum severity. It is generally associated with a large earthquake. In such circumstances maximum efforts are made to return firefighters, paramedics, police officers, health workers and other key persons to work.

Operation Return will operate in the Phases described below. Priorities for passage, program management, Pick-up Sites and Reception Sites may change throughout these phases as needs change and facilities and roads come back into service.

OPERATION RETURN PHASES				
PHASE	PERIOD	ACTIVITIY		
PHASE 1	1-3	Emergency Response Period. Priority will be transportation of		
		emergency workers in fire, health, police and public works		
		departments, and technical/support specialists. Operation		
		Return managed from the ECC.		
PHASE 2	Days 4-7	Response/Early Recovery Period. Priority will be restoration		
		of routes, development of alternate routes, and expansion of		
		ferry capacity. MTC leadership and coordination		
PHASE 3	S 2-4	Early Recovery Period. Continued effort to develop alternative		
		routes and increase ferry capacity. MTC leadership and		
		coordination.		

PLAN ACTIVATION

Operation Return may be activated by any of the following key emergency response officials in the City and County of San Francisco:

- Mayor
- Director, Office of Emergency Services
- Fire Chief
- · Chief of Police
- · Director, Public Health

This Plan is automatically activated when either the Golden Gate Bridge or the Bay Bridge is closed for more than 12 hours.

Upon activation, the ECC Logistics Section, Transportation Branch will coordinate Operation Return activities. If the bridge outages appear to be more than a short-term problem, an Operation Return Coordinator will be appointed within the Transportation Branch.

Activation of Operation Return constitutes a serious reallocation of private and public resources. Initiating this plan is contingent on the following criteria:

- Current City/County of San Francisco staffing is insufficient to support response.
- Golden Gate and Bay Bridges are damaged and impassable.

The following are key assumptions for activating Operation Return:

- · Commercial craft are available
- · Predetermined pick-up sites are functional
- City reception sites are identified and supported by ground transportation

OPERATION RETURN PICK-UP SITES:

Pick-up sites in other Bay Area counties are listed and described below. Employees will report to Pick-Up Sites only when Operation Return is activated. Employees will identify themselves as San Francisco emergency workers and cooperate with ferry authorities in recording names, departments and date of travel.

PICK-UP SITES				
COUNTY	PICK-UP SITE	LOCATION		
MARIN	Tiburon Ferry Pier	S.R. 131/Main St.		
	Larkspur Ferry	Sir Francis Drake Blvd.		
	Sausalito Ferry Pier	Bridgeway Av./City Park		
SONOMA	Petaluma Harbor Master	Baywood Dr. off S.R. 116		
SOLANO	Vallejo Ferry Pier	495 Mare Island Way/Napa River		
CONTRA COSTA	Martinez Yacht Harbor			
ALAMEDA	Berkeley Hornblower Dock	Next to Marriott in Berkeley Marina		
	Oakland Ferry Pier	Jack London Sq. foot of Broadway		
	Oakland Ferry Pier	Jack London Sq. foot of Clay		
	Alameda Ferry Pier	Foot of Mariner Dr -Mariner Square		

OPERATION RETURN RECEPTION SITES

In Phase One, ferry operators will attempt to land city employees at the main sites listed below. If these facilities are not usable, operators will disembark employees at one of the alternate reception sites.

Pick-Up and Reception sites in use will be reported to the media through the Emergency Alert System (EAS) and by other means.

Pick-Up and Reception sites may change or increase in number during Phase Two and Three.

PRIMARY RECEPTION SITES				
COUNTY	PICK-UP SITE	LOCATION		
MAIN SITES	Pier 33	Foot of Bay Street		
	Ferry Building	Foot of Market -North of Building		
	Pier 80	Foot of Cesar Chavez (Army) Street		
ALTERNATES	Pier 43	Fisherman's Wharf/Mason St.		
	Ferry Building	Foot of Market -Behind Building		
	Piers 30 and 32	Foot of Bryant Street		
	Pier 50	China Basin -East of 3rd and 4th Sts.		
	Pier 96	End of Cargo Way off 3rd Street		

GROUND TRANSPORTATION NETWORKS

Southern ground transportation routes may be sufficiently clear to allow access into San Francisco. The Emergency Command Center Logistics Section Transportation Branch will coordinate the means to shuttle persons into the city over these routes. The Municipal Railway and Transit will operate this special service in cooperation with the San Mateo County Transit Authority (Sam Trans). Rail lines from the south may be reestablished in time for use by San Francisco departments during Phases Two and Three of Operation Return.

When Operation Return is activated, all Fire Department personnel returning to duty shall report to a Staging Area for transport to their duty stations. The designated Staging Area for Operation Return is Station 13, 530 Sansome Street.

COMMUNICATIONS

The Auxiliary Communications Service will provide communications at Reception Sites and other locations. Priorities for transport will be established at each Operation Return site. Arriving personnel shall check with ACS representatives to arrange transportation to their Staging Area (Station 13). If ACS representatives are not present at the reception site, the senior Fire Department representative shall contact Station 13 to arrange for transportation of all department personnel.

EMPLOYEE RESPONSIBILITIES

General Instructions

Employees assigned and able to get back to work via Operation Return or other means shall:

Listen to the Emergency Alerting System (KCBS 740 AM, KNBR 680 AM or KGO 810 AM) and proceed to Pick-Up sites when indicated. Personnel shall bring emergency supplies, clothing, money and any special tools they may need for a 72-hour period.

• Cooperate with ferry operators in identifying self and department. Senior Fire Department representative present shall organize Fire Department personnel, keeping them together and then arranging for transportation to their Staging Area from Reception Site.

Pre-Emergency

- Understand your emergency assignment within our Disaster Operations Plan.
- Know the location, of the nearest pick-up site to your home.
- Prepare a kit with supplies and equipment to take with you into the city.
 Included in the kit should be: portable radio and batteries, cell phone (if you have one), necessary medicines, fluids, extra clothes and any specialized equipment or supplies. This kit should be adequate for a 72-hour period.

Notification

- In an emergency, listen to the Emergency Alert System over KNBR (680), KCBS (740), and KGO (810) for instructions on Operation Return activation.
- Prepare to stay in the city for a 72-hour period. Bring Identification, money (including small change) and your emergency kit-
- · Proceed to nearest Pick-up site.

Embarkation

- Avoid leaving your car at the Pick-up site, walk, have someone drop you off or carpool.
- Identify yourself and your emergency role to the senior Fire Department representative present and to the boat crew. Follow their instructions.
- Advise the crew of your department's preferred reception site in the city. THE
 FIRE DEPARTMENT'S PREFERRED RECEPTION SITE IS THE FERRY
 BUILDING. Be prepared to get to your assignment from any pier where the boat
 lands.

Debarkation

Look for the ACS representative at the reception site. The ACS representative
can help you arrange transportation to your staging area. The Fire Department
pre-designated staging area is Station 13.

- Advise Station 13 of your arrival and ask for any special instructions on where
 you are to report. If there are no special instructions proceed to Station 13
 according to their instructions, via transportation provided by the SFFD, ACS or
 on foot or other means available.
- If you are unable to contact Station 13, proceed to that location by any means of transportation available.

Paul J. Tabacco Acting Chief of Department Fire Department May 25, 2001

As described in the response, the Fire Department has in place "Recall Procedures" as listed in the Department's Disaster Operations Manual, which was revised on August 26, 1999. See enclosed response to the Grand Jury. [Please refer to the response above.]

Lucien G. Canton Director Office of Emergency Services November 14, 2000

With regards to the recommendation that the City and County of San Francisco devise a logistics plan to transport emergency personnel to the City in an emergency, the Mayor's Office of Emergency Services disagrees partially with the finding. Such a plan was developed following the Loma Prieta earthquake and has continued to be maintained by this Office. Titled "Operation Return", the plan includes pre-existing agreements with the local ferry fleets to transport emergency workers to pre-identified debarkation points. The Office of Emergency Services is currently updating this plan because of recent reorganization of the ferry fleet and is pursuing converting Operation Return to a regional plan under the auspices of the Metropolitan Transportation Commission. The recommendation will be implemented in that the City and County of San Francisco already has such a plan and will continue to refine it.

Finding: Slow Progress in Seismic Upgrading

The Civil Grand Jury indicated it was troubled by the slow progress in seismic upgrading of residential and commercial buildings in San Francisco, and the increase in population in areas threatened by earthquakes, especially in parts of the City that have constructed buildings on landfills.

Recommendation 3: Increase Availability of Emergency Services Information

Increase the availability of information via mass media, websites, community organizations, and public schools on emergency services, NERT training programs, the food and material components of emergency survival kits, and avenues of communication during major emergencies.

Response to Recommendation

Lucien G. Canton Director Office of Emergency Services November 14, 2000

With regards to the recommendation that the Mayor's Office of Emergency Services increase the availability of emergency information, the Mayor's Office of Emergency Services concurs with the recommendation. The Mayor's Office of Emergency Services prints its own brochure for distribution to the general public and provides free training to organizations on request. We participate in the State's April Earthquake Month campaign through distribution of State-provided literature and coordination of City disaster preparedness activities aimed at increasing public awareness. We coordinate a second earthquake month in October that includes organization of a disaster preparedness fair in conjunction with Fleet Week. We have recently begun a joint project with the San Francisco Police Department and the San Francisco Fire Department to develop public service announcements on emergency preparedness topics. The first such announcement dealing with earthquakes was released on October 17th this year and includes a hotline number for more information that is funded by this Office. Our Office also maintains a website with general preparedness information and links to other preparedness organizations. The Mayor's Office of Emergency Services supports its own volunteer communications group, the Auxiliary Communications Service, that provides training to radio amateurs in emergency operations. Our Office also provides support to other preparedness organizations such as the Collaborative Agencies Responding to Disaster, the American Red Cross, the San Francisco Chamber of Commerce's SF Ready Program, the San Francisco Police Departments SAFE Program, and the San Francisco Fire Department's Neighborhood Emergency Response Team Program. We are currently beginning a project with the Red Cross to increase business preparedness. This recommendation will be implemented in that the Office of Emergency Services continues to seek new ways to provide emergency preparedness information to the general public.

Finding: The City Needs to Ensure Sufficient Hospital Beds and Emergency Room Care

The Civil Grand Jury was troubled by a substantial drop in the number of hospital beds available, the closing of emergency rooms at French, Mount Zion and Children's hospitals, the closing and planned demolition of Letterman Army Hospital, and the deactivation of many Bay Area military bases that were able and well equipped to respond to disasters in the area.

Recommendation 4: Review Loss of Hospital Beds and Emergency Room Care

The Department of Public Health and other pertinent City officials need to review the loss in recent years of hospital beds and emergency room care and take appropriate measures to ensure that there are sufficient hospital beds and emergency treatment facilities to meet ongoing needs and emergency situations.

Response to Recommendation

Lucien G. Canton Director Office of Emergency Services November 14, 2000

With regards to the recommendation that the Mayor's Office of Emergency Services review the loss of hospital beds and take appropriate measures to meet ongoing needs, the Mayor's Office of Emergency Services disagrees partially with the findings. While the Mayor's Office of Emergency Services shares the concern of the Grand Jury with the diminished trauma capacity of the City, this issue is the direct responsibility of the Director of Public Health. The Mayor's Office of Emergency Services works closely with the Department of Public Health on emergency medical issues but our focus is primarily on the provision of mutual aid from outside resources such as the State and Federal governments. Our planning assumes that all local resources, of whatever capacity, will be immediately overwhelmed in a major emergency and that we must be able to quickly communicate our needs to the State and be positioned to quickly deploy incoming resources. Consequently, the recommendation will be implemented in the sense that the Mayor's Office of Emergency Services continues to work to build capacity to meet emergency situations.

General Response

Steve Kawa Deputy Chief of Staff Office of the Mayor June 21, 2001

The Mayor's Office is considering an organizational consolidation of OES with the Emergency Communications Department (ECD). Emergency Communications Department is currently managing the recent completion of the 911 Project and the transfer of operational responsibility from an outside consultant to the Department of Telecommunications and Information Services. As such, the Mayor's Office will review a possible reorganization for fiscal year 2002-2003. With the reorganization, OES staff would be transitioned into appropriate emergency-based civil service classifications. Until then, all staff in the Mayor's Office will remain appointed special assistants.

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CHAPTER 5 SAN FRANCISCO FILM AND VIDEO ARTS COMMISSION

BACKGROUND

The 1999-2000 San Francisco Civil Grand Jury (Civil Grand Jury) investigated the operation of the San Francisco Film and Video Arts Commission (Film Commission). The Film Commission is to develop, recognize, and promote film and video activities in the City and County of San Francisco (City). The Film Commission, consisting of 11 commissioners, appoints an executive director to act as the department head of the Office of the San Francisco Film and Video Arts Commission (Office of the Film Commission). To support the Film Commission's activities, the City established the Film Production Special Fund, which receives 50 percent of all revenues from film permits with the remaining 50 percent held in reserve for costs incurred by various City departments related to film productions. The executive director oversees the apportionment of these funds.

With proper management, the Film Commission has the potential to advance the use of San Francisco as a location for film-work throughout the entertainment and advertising industries, increasing revenue and engendering a stronger local employment base within the City. In this respect it is also the voice of the people and as such should be perceived by residents as open and approachable, taking great care to address their concerns and protect the quality of life of all San Franciscans. In the course of its investigation, the Civil Grand Jury did not find this to be the case.

RESULTS

The Civil Grand Jury made 14 recommendations and required responses from the following:

Mayor
Board of Supervisors
Executive Director of the Film Commission
San Francisco Film and Video Arts Commission

Finding: The Office of the Film Commission Does Not Believe It is Responsible for Providing an Annual Accounting of the Film Production Special Fund

The San Francisco Administrative Code (Administrative Code), Section 57.10, requires the Film Commission to prepare and file with the Board of Supervisors, at the same time the Commission files with the Mayor a proposed fiscal year budget, an annual report that details all revenues and expenditures of the Commission during the immediately preceding fiscal year. Despite this requirement, the Civil Grand Jury was unable to find a single copy of this report for either the most recently concluded fiscal year or any year past during research conducted at the San Francisco Main Library. Furthermore, repeated inquiries were made of the Office of the Film Commission as to the location and availability of these annually required reports. The response of the office to each inquiry was that any responsibility for issuing a yearly accounting of the Film Production Special Fund was that of the Mayor's Office and not the Office of the Film Commission.

Recommendation 1: Inform the Film Commission of Its Duties

The Board of Supervisors should formally convey to the Office of the San Francisco Film and Video Arts Commission the duties of the Film Commission as required by the Administrative Code, Section 57.10.

Response to Recommendation

Martha Cohen Executive Director San Francisco Film and Video Arts Commission

The San Francisco Film and Video Office is a part of CCSF Department 25 -the Mayor's Office -and its staff and budget are a small part of, and are governed by, the Mayor's Office. As such, an annual accounting of the office is provided to the Board of Supervisors as part of the presentation and deliberation of Department 25's annual budget, which itself is part of the annual City budget process.

Finding: The Office of the Film Commission Has Not Accounted for the Revenues Generated by the Issuance of Film Permits

The Film Production Special Fund has been in existence for over ten years. In that time, 50 percent of all revenue generated by the issuance of film permits by the Office of the Film Commission has been deposited in this fund. The use of this fund is at the discretion of a very few people. The Civil Grand Jury finds it unacceptable that there appears to have never been a public accounting of this fund.

It was impossible for the Civil Grand Jury to determine either the value or the disposition of this fund, since the Office of the Film Commission did not provide statistics as to either the number of shooting days permitted or the amount of monies received by the office. The Office of the Film Commission, seemingly unclear that it was responsible for the disposition of this fund, was also of little help in this regard.

Recommendation 2: The Office of the Film Commission Should Submit an Annual Accounting of the Film Production Special Fund

The Office of the Film Commission should be brought into compliance with the Administrative Code and present the Board of Supervisors with the required annual accounting of the Film Production Special Fund.

Response to Recommendation

Martha Cohen Executive Director San Francisco Film and Video Arts Commission

The Film Production Special Fund is made up of fees collected by the Film Office from production companies and others filming in San Francisco. A monthly accounting is presented at every SFFVAC meeting, and entered into the public record. Annual totals are also made available at Commission meetings, and could be presented to the Board of Supervisors whenever the Board wishes.

Finding: The Office of the Film Commission Does Not Manage Information on Film Work

The Civil Grand Jury requested the Office of the Film Commission for data on the quantity and duration of filming conducted in the various districts of San Francisco. The office indicated that it had not collected in any form any of the data generated by the office, and that the information was available only in the form of the original documents kept on file at the office. When the Civil Grand Jury asked to see the files containing the data, the office produced roughly a dozen large cardboard boxes, each containing a variety of documents created during a particular year. These files consisted of folders representing the months of the year which were filled with permits, notifications, and the informal economic survey that had been circulated as well as other documents created within a particular month. There was no way for the Civil Grand Jury to cross reference permits by production company or the location of the filming without examining each piece of paper for pertinent information by hand.

The question arose as to how well the Office of the Film Commission tracked upcoming productions without the use of a database or some similar organizational aid. The Civil Grand Jury was shown a large paper calendar on which the titles of the day's productions are written. This is the extent to which the office monitors upcoming or on-going location filming in San Francisco.

Recommendation 3: Institute a Data Management System

It is vital, from a management standpoint that the Office of the Film Commission abandon the cardboard box data collection system exhibited to the Civil Grand Jury. Whether in the form of dedicated software or the use of available retail office management software, the office must institute a system for the collection of the various pertinent data generated by film-work within San Francisco.

Response to Recommendation

Martha Cohen
Executive Director
San Francisco Film and Video Arts Commission

Pertinent data -i.e., number of use agreements, type of film activity, names of participants, fees collected, etc. -are all recorded on paper and on computer file, dating back to the beginning of the Brown administration. Data pertaining to film activity which took place prior to the Brown administration exists in paper files only. Any state-of-the-art computer filing systems which might enhance the office's current data collection system SFFVAC would undoubtedly be welcomed by the Executive Director.

Finding: The Office of the Film Commission Does Not Have Long Term Goals for Expanding the San Francisco Film Industry

The Office of the Film Commission is unable to cite any program or other proactive measure taken in fulfillment of the City's long-term goal regarding the expansion of the San Francisco film industry. The office considers the expansion of the local film industry to be somewhat beyond its scope.

Recommendation 4: Promote the San Francisco Film Industry

The Office of the Film Commission should be instructed by the Mayor and the Film Commission to institute a concise series of procedures along the lines of those instituted by the film offices of other cities heavily utilized by film-makers to actively promote the expansion of the San Francisco film industry.

Martha Cohen Executive Director San Francisco Film and Video Arts Commission

The SFFVAC is not only an active member of the Association of Film Commissioners International (AFCI) -the umbrella organization for film commissions worldwide -but also FilmUS and Film Liaisons in California. Statewide (FLICS). The office participates in trade shows and other industry events, promoting San Francisco as a center of film and television production. We actively promote San Francisco with advertisements in trade publications and reference books. We recruit filmmakers from Hollywood, New York and throughout the world to visit San Francisco, and partner with local film-related companies to promote San Francisco's film and television industry. We also work very closely with the California Film Commission; we have arranged visits with the CFC's new director, hosted a meeting of the CFC in the past year and testified at its meetings in Sacramento. The Office of the SFFVAC took the initiative to foment a regional promotional effort and co-founded the Northern California Film Commissions Group. The SFFVAC also provides financial support to local nonprofit organizations, such as the Film Arts Foundation and the Bay Area Video Coalition, that in turn support and cultivate the local film industry. We also provide referrals and job listings in the office, on-line and on our telephone hotline.

Finding: The Office of the Film Commission Does Not Adequately Coordinate Film Permits With Other City Departments

The executive director of the Office of the Film Commission is required to coordinate the issuance of film permits from various City departments. The Civil Grand Jury inquired as to how this was accomplished without any guidelines or records in place to monitor the number of requests approved by the Office of the Film Commission and sent to other City departments, especially the potential overload of available Police Department resources. The Office of the Film Commission informed the Civil Grand Jury that this was not a problem. The Office of the Film Commission could not recall any instance in which the Police Law Enforcement Services Unit (PLES) of the Police Department had ever been unable to fulfill a permit request forwarded them by the office. It was further the position of the Office of the Film Commission that if any problem were to occur related to Police Department manpower, it was the responsibility of the PLES to negotiate with the filmmakers and not the Office of the Film Commission.

While there has not been an instance where the PLES unit was unable to fulfill a request for support made through the Office of the Film Commission, there were many instances in which the PLES was forced to negotiate directly with the film company representative as to the location or date of a film permit issued by the Office of the Film Commission or to reassign officers at the last minute in order to accomplish this. In one example relayed to

the Civil Grand Jury, shortly before the end of the shift on a Friday, the PLES had received approximately ten requests for support from the Office of the Film Commission within one hour. This series of requests required an extraordinary degree of attention by the PLES staff and they should be commended for their ability to perform at such a level. It is clear to the Civil Grand Jury that in many instances the PLES is relied upon to fulfill the duties of the executive director of the Film Commission as they pertain to interdepartmental permit coordination.

Recommendation 5: Collect and Analyze Data on Film Permits Issued

The Office of the Film Commission should be directed by the Mayor and the Film Commission to actively collect and analyze data relating to the number of permits issued by the office. The Office of the Film Commission should be directed to use this information to avoid unfairly impacting the resources of other city agencies. The Office of the Film Commission should further be directed to take a more proactive role in the details arising from film work in San Francisco rather than shunting the responsibility to other City departments.

Response to Recommendation

Martha Cohen
Executive Director
San Francisco Film and Video Arts Commission

As previously stated, all such data is collected in the film office, made available at Commission meetings, and shared on a weekly, if not daily, basis with SFPD officers and other impacted agencies. The SFFVAC staff works hand in hand with police officers and any other impacted agency on every single film shoot; but police work, appropriately, is performed by police personnel.

Finding: The Office of the Film Commission Unacceptably Delegates Its Responsibilities to Film Companies

The Office of the Film Commission delegates an unacceptable degree of its responsibilities as "neighborhood liaison" to various employees of the film companies. In terms of location, scouting, and influence upon the final choice of location, the Office of the Film Commission indicated it had very little say in where filming occurred, and that all negotiations between film companies and local residents or merchants were strictly the responsibility of the privately employed location manager and were beyond the scope of the office.

The Office of the Film Commission neither facilitates such negotiations nor do they in anyway require that such negotiations take place. The outcome of any such negotiations is not a factor in the approval of film permits by the Office of the Film Commission. When asked what recourse an adversely affected resident or merchant would have in the event

that negotiations proved unproductive, the Office of the Film Commission said it would be up to the affected parties to file suit in small claims court.

Recommendation 6: Take a Proactive Role in Assisting Neighborhoods Used as Film Locations

It is unacceptable that a department of the City of San Francisco would completely delegate the responsibility assigned it to a privately employed individual over which it could exercise no controls. To rely upon the professionalism of a myriad of such people employed by dozens of private companies with interests potentially at odds with those of its citizens, borders on derelict. The Office of the Film Commission should be sternly admonished by the Mayor and the Commission and instructed to take a more proactive role in the notifications and negotiations provided neighborhoods during their use as film locations.

Response to Recommendation

Martha Cohen
Executive Director
San Francisco Film and Video Arts Commission

The Civil Grand Jury totally ignored evidence to the contrary of this conclusion. The staff of the SFFVAC spends the vast majority of its time acting specifically as a liaison to San Francisco neighborhoods impacted by on-location film activity.

Finding: The Office of the Film Commission Needs to Provide Contact Information

The Office of the Film Commission does not use a standard public notification form. A suggested sample is provided within the Film Commission's "Film Production Guide" which requires only that the name and phone number of the location manager employed by the film company requesting the film permit be provided. There are no requirements that contact information be provided for either the Office of the Film Commission or any other participating City department. It was the position of the Office of the Film Commission that the location manager should be the only contact number listed on notices of filming provided to residents and businesses in areas scheduled for filming.

Recommendation 7: Distribute Standard Contact Information at Film Locations

The Office of the Film Commission should be instructed by the Mayor and the Commission to institute a standard notification form to be distributed at all film locations prior to filming including the contact information for both the Office of the Film Commission and any other participating City departments.

Martha Cohen Executive Director San Francisco Film and Video Arts Commission

The Civil Grand Jury ignored evidence to the contrary of this conclusion. A sample public notification form is provided in the Film Production Guide, with the contact information for the Office of the SFFVAC. The notification forms, however, must be customized to each and every shoot, so they can include pertinent information regarding the potential impact on the neighborhood -otherwise such notification forms would be rendered useless.

Finding: The Office of the Film Commission Needs to Increase Its Public Profile

The Office of the Film Commission has a low public profile. The Civil Grand Jury met with a wide variety of the general public and spoke to them about their experiences with and perceptions of the office. The great majority of those interviewed were uncertain who or what the Office of the Film Commission was. Those who had knowledge of the office considered it to be unreachable and unresponsive to their concerns. The Civil Grand Jury heard many accounts of the Office of Film Commission advising citizens to contact the film company's location manager to work out disagreements.

Many of those interviewed indicated that in the event of some problem at the scene of location filming they would approach the police at the scene or telephone the PLES rather than contact the Office of the Film Commission. The reason given for this was always the same. It is a pervasive opinion among the public that the Office of Film Commission is unconcerned with their complaints. They are aware however that if the police are contacted there will be some action taken, regardless of how effective it may be.

Recommendation 8: Improve the Image of the Office of the Film Commission

The Mayor and the Commission should educate the Office of the Film Commission as to the correlation between the public perception that the Office of the Film Commission is unresponsive to the needs of the residents and merchants of San Francisco and a lack of public support for film-work in City neighborhoods. Contact information for the Office of the Film Commission should be present on every document submitted to the public regarding film production in their neighborhood. The Mayor, the Commission and the Office of the Film Commission should each take the necessary steps required to improve the existing public image of the Office of the Film Commission.

Martha Cohen Executive Director San Francisco Film and Video Arts Commission

If the City wants to spend money "raising the profile" of the three-member Office of the SFFVAC, the Executive Director would undoubtedly welcome the public relations campaign. Limited City resources, however, might be better spent elsewhere. The Office relies instead on "sweat equity," meaning staff regularly attends neighborhood meetings, visits locations and meets with all interested residents. And contrary to the CGJ's assertion, all documents submitted to the public regarding film production do include contact information for the SFFVAC.

Finding: The Office of the Film Commission Needs More Experience in Managing Location Film-Work

The Office of the Film Commission is viewed by the members of the entertainment industry interviewed by the Civil Grand Jury as being naive as to the procedures and unskilled in the nuances involved in successfully managing location film-work.

Recommendation 9a: The Office of the Film Commission Needs Skills Training

The Office of the Film Commission would greatly benefit from instruction in all aspects of location film production. In addition there is a great need for the Film Commission to improve both the clerical and communication skills of the Office of the Film Commission. It is the recommendation of the Civil Grand Jury that this education be provided to the Office of the Film Commission.

Response to Recommendation

Martha Cohen
Executive Director
San Francisco Film and Video Arts Commission

Members of the Office of the SFFVAC regularly attend industry seminars and events that improve skills of its staff, in addition to participating firsthand in local film activity.

Recommendation 9b: The Office of the Film Commission Staff Needs Film Production Experience

The Civil Grand Jury further recommends that the Mayor and the Commission seriously examine the Office of the Film Commission giving consideration to the inclusion of staff possessing significant practical film production experience. Should budgetary constraints preclude this, replacement of existing staff should be considered. It is the opinion of the Civil Grand Jury that the addition of staff with this type of experience to the office staff would greatly aid in the promotion of the San Francisco film industry. It is further the opinion of the Civil Grand Jury that such an inclusion of staff by the Office of the Film Commission will allow for a more productive dialog between the office and the public.

Response to Recommendation

Martha Cohen
Executive Director
San Francisco Film and Video Arts Commission

The CGJ apparently chose to ignore the SFFVAC staff's extensive film-related experience.

Recommendation 9c: Film Industry Experience Should Be Required for Commissioners and Staff

It is the recommendation of the Civil Grand Jury that the Board of Supervisors revisit the Administrative Code as it pertains to the San Francisco Film and Video Commission. The intent of this recommendation being to correct the lack of required film industry vocational experience among either the commissioners of the Film Commission or the Office of the Film Commission staff. The Civil Grand Jury considers the inclusion of such knowledgeable individuals to be necessary to the effective expansion of the San Francisco film industry.

Finding: The Office of the Film Commission Excessively Uses Some Neighborhoods

The Office of the Film Commission fails to adequately provide alternative location and scouting assistance resulting in the excessive use of some neighborhoods by film companies. The Office of the Film Commission does not have guidelines or procedures in place to prevent an undue saturation of film permits for any one area. In fact, the Civil Grand Jury was informed that the Office of the Film Commission could not recall a single permit that it had not approved.

The possible consequences to the quality of life in the affected neighborhoods were brought to the attention of the Office of the Film Commission by the Civil Grand Jury. These concerns were quickly dismissed as somewhat inconsequential by the office as well as being labeled as counterproductive to the expansion of the San Francisco film industry.

Recommendation 10: Avoid Concentrating Film Permits to One Area

The Office of the Film Commission should be directed by the Mayor and the Commission to compile and analyze all data relating to neighborhood filming in San Francisco remaining mindful to avoid the excessive approval of film permit requests on any one street or in any one neighborhood.

Response to Recommendation

Martha Cohen
Executive Director
San Francisco Film and Video Arts Commission

Apparently the CGJ has neither the experience nor the common sense to understand why filmmakers are drawn to the same areas for location shooting over and over: they look great on film. It's the same reason tourists continue to flock to the same areas: they're beautiful. Additionally, the CGJ has ignored data showing the hundreds of alternate locations where film activity has taken place in San Francisco, often at the direction of the SFFVAC.

Finding: The Office of the Film Commission Does Not Seek Neighborhood Permission for Location Film-Work

The Office of the Film Commission has no requirements for neighborhood permission or consensus among areas impacted by location filming. The Office of the Film Commission is uninvolved in public interaction in this regard, delegating all responsibilities for public representation to the location manager employed by the film company that requests the film permit.

Recommendation 11: Work With Neighborhood Associations

A series of protective procedures such as those in use in Los Angeles, CA and Toronto, Ontario should be negotiated between the Office of the Film Commission and the various neighborhood associations of San Francisco. These procedures should then be instituted by the Office of the Film Commission and included in all of their informational materials both printed and electronic.

Martha Cohen
Executive Director
San Francisco Film and Video Arts Commission

City Charter allows filming in public places in San Francisco between the hours of 7 a.m. and 10 p.m., with some restrictions and at the discretion of City officials. If the City wants to further restrict filmmaking in San Francisco and depress the local film and television industry, members of the Board of Supervisors should seek Charter revisions.

Finding: The Office of the Film Commission Does Not Maintain Statistics on Complaints

The Office of the Film Commission does not maintain statistics on complaints registered by the public with their office. Public complaints made to the Office of the Film Commission by telephone are not recorded or addressed by the office in any way. This is particularly disturbing in light of the fact that each and every example of a public complaint that the Civil Grand Jury shared with the Office of the Film Commission was discounted as an isolated event, if not completely fabricated.

Recommendation 12: Establish a Telephone Complaint Line

The Office of the Film Commission should be instructed by the Mayor and the Film Commission to institute a telephone complaint line in order for the public to register their complaints with the Film Commission. The Office of the Film Commission should further be instructed by the Mayor and the Film Commission to document any and all public complaints, whether received by telephone, electronic mail, or written form, in a database devoted specifically to such complaints.

Response to Recommendation

Martha Cohen
Executive Director
San Francisco Film and Video Arts Commission

The Office of the SFFVAC not only keeps a record of all "complaints" from residents, but most any contact from members of the public. Such records are kept on file; since the number of complaints is less than 30 in any given year, a "database" may not be necessary.

Finding: The Office of the Film Commission's Film Production Guide is Outdated and Inaccurate

The current Film Production Guide distributed by the Office of the Film Commission is both out of date and inaccurate. In addition, it is extremely superficial and contains no statistical information of any kind, rendering it of very little educational use to the public.

Recommendation 13: Rewrite the Film Production Guide

The Film Production Guide in use by the Office of the Film Commission needs to be completely rewritten. The new guide should include standardized examples of the necessary forms complete with contact information for the Office of the Film Commission, a standardized complaint form, statistics compiled by the Office of the Film Commission pertaining to economic impact, and employment statistics relating to the San Francisco film industry. The new guide should showcase any and all information useful to the expansion of the City's film industry.

Response to Recommendation

Martha Cohen
Executive Director
San Francisco Film and Video Arts Commission

The Film Production guide is regularly updated, maintain on-line, and is comparable (and in many cases) superior to production guides found in other jurisdictions. Economic impact figures and employment statistics are far beyond the means and scope of this office -but the Executive Director would welcome any effort by the City to collect such data.

Finding: The Office of the Film Commission's Website Is Substandard

The Internet presence of the Office of the Film Commission is woefully substandard in comparison to those maintained by the film offices of those cities often used as locations by filmmakers. The website maintained by the Office of the Film Commission is essentially an electronic version of the Film Production Guide and fails to provide the public with any meaningful educational material.

Recommendation 14: Enhance the Website

The websites of the film offices of Los Angeles, New York and Toronto, Ontario are seen by the Civil Grand Jury as examples of what the Office of the Film Commission should emulate. The Office of the Film Commission should be instructed by the Mayor and the Commission to include on the Film Commission's website the results of all procedures that are instituted by the Office of the Film Commission for the collection and dissemination of

data. All necessary forms, bearing the contact information for the Office of the Film Commission should also be made available on-line. The Civil Grand Jury believes this to be an extremely appropriate forum for the Office of Film Commission to act as an advocate for the San Francisco film industry and any programs, listings, or referrals that advance this concept should also be made available on-line by the office as well.

Response to Recommendation

Martha Cohen
Executive Director
San Francisco Film and Video Arts Commission

Apparently, money is no object to the Civil Grand Jury. The SFFVAC's website is currently maintained in-house by City personnel. It does contain all necessary forms and bears the contact information for the Office of the SFFVAC. It does promote the San Francisco film industry, and provides listings and referrals that advance the industry. The website of the SFFVAC is in fact far superior to those of many production centers of a comparable size. The Executive Director would welcome the assistance of experts in the world of web site design, should the City choose to bear the increased cost.

General Response

Steve Kawa Deputy Chief of Staff Office of the Mayor June 21, 2001

The Film and Video Arts Commission has responded to the Civil Grand Jury's conclusions and recommendations. There are no changes to the Commission's response at this time.

CHAPTER 6 HEALTH DEPARTMENT

BACKGROUND

The 1999-2000 San Francisco Civil Grand Jury (Civil Grand Jury) investigated various problems at San Francisco General Hospital (General Hospital), including the following:

- Long waiting periods of up to five hours for prescriptions and clinic appointments.
- Inadequate staffing in the urgent care clinic.
- A high incidence of diverting emergency room patients to other medical facilities.
- Excessive overtime costs resulting from unfilled positions.
- Delayed or no responses to telephone calls from people seeking appointments or information.

The Civil Grand Jury concluded that General Hospital should not close or privatize the pharmacy and that the clinic should be fully staffed and properly maintained. The Civil Grand Jury further concluded that General Hospital's budget should be separated from the budget of the Department of Public Health (Public Health) budget. Finally, the Civil Grand Jury indicated there should be increased citizen participation in long-range planning for General Hospital to continue providing essential services to the people of San Francisco. The conclusions and recommendations of the Civil Grand Jury were based on information and events as of June 30, 2000.

RESULTS

The Civil Grand Jury made nine recommendations and required responses from the following:

Mayor Board of Supervisors Office of Emergency Services Health Commission Department of Public Health

Finding: There Are Long Waits to Obtain Prescriptions

Patients need to wait three to five hours or days to obtain their prescriptions. This problem has lasted 10 years. From interviews with pharmacists and other health care professionals at hospitals and neighborhood pharmacies, the Civil Grand Jury learned that given the ratio of pharmacists and support staff to the number of prescriptions filled, the workload at General Hospital does not warrant long waiting periods.

Recommendation 1: Open a Second Pharmacy Instead of Privatizing

Instead of closing or privatizing the pharmacy, General Hospital should open a second pharmacy. General Hospital should also replicate, wherever feasible, Kaiser Permanente's efficiency measures in dispensing prescriptions. The goal is to minimize the excessively long waiting time for prescriptions.

Response to Recommendation

Roma Guy President San Francisco Health Commission

Mitchell H. Katz, M.D. Director of Health Department of Public Health September 27, 2000

We agree with you that the goal of our pharmacy services should be to "minimize the excessively long waiting time for prescriptions."

After careful analysis we believe that the only way of meeting this goal is to work with a professional pharmaceutical distribution group (as we do providing clients with AIDS drugs and drugs for patients in our mental health system) who would arrange contracts with a variety of commercial pharmacies in the City. This will enable us to meet the waiting time of "10 to 30 minutes" noted in your report. Unfortunately, opening a second pharmacy at SFGH would not achieve this goal. In fact, SFGH previously had a satellite pharmacy and we were not able to achieve this standard. Community pharmacies will improve access to medications, especially for our patients who live far from the hospital, like those who live in Chinatown, the Sunset, or Bayview Hunter's Point. Because of the large volume of prescriptions provided by these pharmacies they will have efficiencies similar to those of Kaiser.

Recommendation 2: Upgrade the Pharmacy Computer System

Public Health should approach major software producers for their expertise and assistance in upgrading its computer system since a highly efficient and sophisticated computer system like Kaiser's and that of many neighborhood pharmacies would make dispensing medication more efficient.

Response to Recommendation

Roma Guy President San Francisco Health Commission

Mitchell H. Katz, M.D. Director of Health Department of Public Health September 27, 2000

Since we will be working with a professional pharmaceutical benefit management organization, we will have access to a "highly efficient and sophisticated computer system" at no cost to the City.

Finding: There Are Long Waits for Clinic Appointments

The long waiting time for clinic appointments is unacceptable but is not a "high priority" item for Public Health. According to Public Health administration, there are more critical needs for budget dollars. The department's hiring freeze has led to insufficient staff in the urgent care clinic, excessive overtime costs, and increased diversion of people requiring emergency room treatment to other hospitals. The lack of staff has also delayed responses to telephone calls from people seeking information or appointments. Instead of determining how Public Health can provide essential services, Public Health administration appears to be more concerned with making cuts.

Recommendation 3: Fill Clinic Staff Vacancies

Fill the staffing vacancies in the clinics to cut the long delays in getting an appointment. A reasonable goal would be to set an appointment within seven to fifteen days after a patient makes a request by telephone or consults a doctor.

Roma Guy President San Francisco Health Commission

Mitchell H. Katz, M.D. Director of Health Department of Public Health September 27, 2000

To decrease delays in obtaining appointments throughout the system, we have received approval from the Mayor's Office to fill 85 vacant requisitions. We are currently in the process of recruiting and training workers.

Recommendation 4: Fully Staff Neighborhood Health Centers

Ensure that neighborhood health centers function at full staffing levels since they provide critical preventive care and language assistance in the neighborhoods that they serve.

Response to Recommendation

Roma Guy President San Francisco Health Commission

Mitchell H. Katz, M.D. Director of Health Department of Public Health September 27, 2000

As discussed in number 3, by filling 85 vacant requisitions, we will be able to staff so as to provide "critical preventive care and language assistance in the neighborhoods they serve."

Recommendation 5: Provide Urgent Clinical Care

Provide urgent clinical care and extend the hours to eliminate or minimize the need for patients requiring non-acute care to seek treatment in the emergency room. Doing so would provide some relief to overextended emergency room staff and would decrease the need to divert patients who need critical and immediate emergency care to other hospitals.

Roma Guy President San Francisco Health Commission

Mitchell H. Katz, M.D. Director of Health Department of Public Health September 27, 2000

One of the things that I am proudest of is the creation of a center to provide "urgent clinical care . . .to eliminate or minimize the need for patients requiring non-acute care to seek treatment in the emergency room." The Urgent Care Clinic opened in March 1999. It is staffed during the hours that the emergency room is busy specifically to handle the issue you raise.

Finding: Public Health Plans to Eliminate 21 Psychiatric Care Beds

According to media reports, Dr. Mitchell Katz and the Public Health administration have proposed to cut 21 beds from psychiatric care and move the displaced patients to a Mission District hotel converted to a halfway house. Doctors, nurses, and other staff at General Hospital who oppose eliminating 21 beds in the psychiatric unit and involuntarily reassigning staff to other hospitals argue that the cutbacks and transfers will undermine the quality of care for the mentally ill. Apparently in agreement, the Board of Supervisors delayed this action in May 2000. Public Health administration has indicated that the transfers will not take place if a controller's audit shows that the reassignments would effect no savings. Public Health claims the patients to be transferred do not require the acute care beds they now occupy but at present there is no alternative site for their care.

Recommendation 6: Continue Providing In-House Psychiatric Care

Continue providing the current level of in-house psychiatric care to the mentally ill since the strong family involvement program, the specialized and culturally sensitive care to a diverse population, and the multilingual capabilities to help the limited-English speaking and monolingual patients have all contributed significantly to the quality of the care.

Roma Guy President San Francisco Health Commission

Mitchell H. Katz, M.D. Director of Health Department of Public Health September 27, 2000

As you have recommended, we are continuing to provide "the current level of inhouse psychiatric care to the mentally ill."

Finding: There is a General Lack of Emergency Care in the City

The Civil Grand Jury has been concerned about the closing of emergency rooms during the past decade at French, Mount Zion, Children's and Letterman hospitals. With the deactivation of the Presidio Army Base, there is no longer an opportunity to have the military assist in moving patients to other Bay Area hospitals. In the event of a major earthquake, another natural disaster or a large-scale emergency, the general lack of emergency care in the city would be compounded.

Recommendation 7: Develop an Emergency Room Care Plan

Develop a comprehensive citywide plan to ensure that the residents of San Francisco have access to essential emergency room services during normal circumstances and during crises arising from earthquakes, other natural disasters, terrorist attacks, or any other emergency, and present that comprehensive plan to the Health Commission.

Response to Recommendation

Roma Guy President San Francisco Health Commission

Mitchell H. Katz, M.D. Director of Health Department of Public Health September 27, 2000

The Department of Public Health has an extensive protocol for emergencies, which we have coordinated closely with the City's Office of Emergency Services. This plan has been provided to the Health Commission.

Finding: The Department of Public Health Should Not Divert Funding From General Hospital

The current budget of the San Francisco Health Care System is \$928 million. One half, or \$467 million, goes to General Hospital. During the past six years, the county's health system has faced mounting fiscal shortfalls that require a growing portion of the general fund budget. As a result of funding cuts by the state and federal governments, combined with increased costs of caring for the indigent and uninsured and other inflationary factors unique to health care, Public Health administrators are projecting a budget shortfall this fiscal year of at least \$20 million. Instead of determining how Public Health can provide essential services, Public Health administration appears to be more concerned with making cuts.

Recommendation 8: Separate the Budgets of General Hospital and Public Health

Take the necessary procedural steps to separate administratively and actually the budget of General Hospital and clinics from the budget of Public Health to ensure that funding to provide essential medical care is not diverted to other well-intentioned programs and services that address broader societal concerns but are peripheral to the health care that General Hospital has provided in the past and should continue to provide to the people of San Francisco.

Response to Recommendation

Roma Guy President San Francisco Health Commission

Mitchell H. Katz, M.D. Director of Health Department of Public Health September 27, 2000

The budget of SFGH and the clinics is separated from the other parts of the health department. No money for essential medical care has been diverted to other programs. However, we have diverted money from non-medical care to essential medical care during the last three years in a row.

Recommendation 9: Conduct Long Range Planning

Based on the perception of the Civil Grand Jury that there is a critical lack of long-range planning in Public Health, Public Health should comply with the City Charter requirement that all departments have a functional three-year plan, thus enabling Public Health to make realistic budget projections rather than reacting precipitously to recurring deficits. Public

Health should formulate this plan after there is sufficient input, via public forums, from all affected parties.

Response to Recommendation

Roma Guy President San Francisco Health Commission

Mitchell H. Katz, M.D. Director of Health Department of Public Health September 27, 2000

We are in full agreement with the Civil Grand Jury about the importance of long term planning. We have therefore spent considerable effort and staff resources conducting a comprehensive, inclusive strategic planning process.

Dozens of community meetings have been held in neighborhoods throughout San Francisco. The Health Commission has held a number of hearings, and even the Board of Supervisors held a hearing on DPH's planning process. To date, over 1,300 persons have provided feedback to this process.

The result of this massive effort will influence the fiscal year 2001-02 budget process as priorities are established and identified. The final document will look at a three-year period of time and will be complete by early in 2001. As with any successful planning document the recommendations will not be viewed as static, but rather flexible and may change as health care policy and financing continues to evolve.

General Response

Steve Kawa Deputy Chief of Staff Office of the Mayor June 21, 2001

The Mayor's Office concurs with the Department's response regarding the budgets of the Department of Public Health and San Francisco General Hospital (SFGH). The status from our last response remains the same. The budget for the Department of Public Health does not have a negative impact on hospital services provided by SFGH and its clinics. In fact, in recent years, funds have been diverted from non-medical care from other public health programs to offset deficits at SFGH.

In regards to the status of the SFGH pharmacy, a compromise was reached due to overwhelming community response to the closing for the main center at SFGH. A compromise was reached, and now in addition to community pharmacies providing access to needed medications, the main pharmacy at SFGH remains in operation under modified hours.

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CHAPTER 7 JUVENILE JUSTICE COMMUNITY ASSESSMENT AND REFERRAL CENTER

BACKGROUND

The 1999-2000 Civil Grand Jury (Civil Grand Jury) studied the San Francisco Juvenile Justice Comprehensive Action Plan (action plan) and specifically one of its six interventions, the Community Assessment and Referral Center (community center). These six programs were designed to fill the most critical gaps in San Francisco's juvenile justice system, providing intensive services for youths at risk as well as youths already involved in the juvenile justice system. The community center opened on a very limited basis on May 4, 1998, and did not go city-wide until the end of 1999. The community center acts as an alternative to incarceration at Juvenile Hall for youths 12 to 17 years of age arrested for a variety of criminal offenses. The community center provides a single point of entry for crisis intervention, assessment, service integration, referral, and mentoring. This is a three-year test program, a first in the country, and ends in June 2000. The Civil Grand Jury found that the community center is an excellent program, but identified several areas of concern:

RESULTS

The Civil Grand Jury made five recommendations and required responses from the following:

Mayor
Board of Supervisors
Criminal Justice Council
Delinquency Prevention Commission
District Attorney
Juvenile Justice Commission
Juvenile Probation Department
Police Department
Public Defender
Department of Public Health

Finding: The Community Assessment and Referral Center Serves the City

The community center is presently not underutilized, but rather a pilot project that is improving with time. The community center should be continued following completion of the pilot project. The number of juveniles served has increased, and more City districts are being served. Further, the Probation Department also does not feel that the community center is underutilized because it is set up as a pilot project, which will be properly evaluated by the crime commission sometime in June 2000.

Recommendation 1: Continue Operating the Community Center

The community center should be continued after the pilot program period. A meeting should be set as soon as possible after the crime commission evaluation. This meeting should give all interested parties an opportunity to be heard on issues that will be addressed in the evaluation and raised in the Civil Grand Jury investigation.

Responses to Recommendation

Eugene Clendinen Acting Director Mayor's Criminal Justice Council November 1, 2000

We are pleased to report that CARC has transitioned from a pilot program into a continuing component of the City's juvenile justice system. In the Spring of 2000, Huckleberry Youth Programs (HYP) was selected and agreed to become the long-term lead community agency for CARC. The transfer of oversight from the Delancey Street Foundation's Implementation Team to HYP became effective on July 1, 2000 without any interruption in program operations. CARC had served 844 individual youths as of its July 1, 2000 transition to HYP.

HYP has hired a Director of Special Projects to oversee the transition on a full-time basis and a former CARC Shift Supervisor as the Program Manager. In addition, the Sheriff, Juvenile Probation Department and Department of Public Health/Special Programs for Youth have all maintained their commitments to the program, and the on-site personnel from each of these departments have continued to work at CARC. The case management staff represents a combination of original staff (now employees of HYP) and new hires. Moreover, the Mayor's Criminal Justice Council has expanded its contracts with Detention Diversion Advocacy Program and Chinatown Youth Center to provide enhanced on-site assessment and case management at CARC. Finally, the Police Department is continuing to dedicate a full-time police lieutenant to CARC and other Local Action Plan programs as department liaison and trainer. Both new and old staff members from all on-site agencies are participating in an intensive training program.

It should be noted that in order to best meet its goal of serving all eligible youths arrested throughout the City, CARC is beginning to accept juveniles referred by police after being arrested outside of CARC hours of operation.

The National Council on Crime and Delinquency's (NCCD's) final evaluation report is due to the California State Board of Corrections (BOC) on September 30, 2001. Public access to and input on the evaluation findings are discussed in the response to Conclusion and Recommendation #4, below. It is also anticipated that a report will be made to the legislature on CARC.

Eugene Clendinen Acting Director Mayor's Criminal Justice Council May 25, 2001

As stated in the above response, CARC has continued after the pilot program period and transitioned into a continuing component of the City's juvenile justice system. Since this transition, which occurred on July 1, 2000, CARC has seen over its projected goal of 50 youths per month, and is anticipated to see over 720 youths this year.

NCCD's final evaluation report is anticipated to be completed and provided to the BOC by September 30, 2001. At that time, the City will implement the Civil Grand Jury's recommendation that a meeting should be set after the evaluation.

Jeannie Hwang Bray Administrator Delinquency Prevention Commission November 15, 2000

On October 17, the DPC Administrator, Jeannie Hwang Bray, met with CARC Director, Gary Bieringer to discuss the contents of the 1999-00 Civil Grand Jury Report. Upon meeting with the Director, discussions with various members of the youth serving community, and past professional experiences with CARC, the following is the DPC response.

Like the Grand Jury Report, we also support the continuation of CARC and/or other programs similar to CARC as the DPC supports the movement towards rehabilitation rather than incarceration. During CARC's "pilot program" stage, one of the criticisms of CARC among the youth serving community was the lack of outreach and links to the CBO (community based organizations) community, schools and the communities in general. As a result, the program was severely underutilized. At the Coordinating Council, various City Departments were represented, but only two CBOs were at the table. One of the CBOs was the Delancy Street Foundation that does not provide youth services and Huckleberry House whose focus is on homeless and runaway teens. The information exchange, planning and coordination neither included the youth serving community nor were

the process and decisions sufficiently communicated to the youth serving community. Therefore, many of these service providers knew little or nothing about CARC or the Coordinating Council.

In order to effectively utilize CARC and even more important, to provide an alternative pathway to youth, CARC and the Coordinating Council must be more active in the outreach and communication process. CBOs who can accept referrals from CARC must be invited to the table to work with the Coordinating Council on planning and implementation of the program. CARC must also create links between the Coordinating Council, the CBOs and the Police Department in order for the critical working relationships and collaborations to develop. Agencies who accept referrals from CARC should also receive resources that will enable them to better serve CARC clients such as trainings, clinical support, and fiscal support.

We're excited that Gary Bieringer has been hired to oversee CARC, as he has the insight and experience to strengthen the existing program. We need to see more detention diversion programs such as CARC; and we need to see CARC succeed so that we can model more programs based on CARC's success. Like the UC study, we also have concerns regarding ways to update or amend the Action Plan. As the issues of youth delinquency are constantly changing, we need to be able to meet those changes. We also highly support public forums to create community-to-department dialogues on significant youth issues. In addition, public forums will hold the City departments accountable to the Juvenile Justice Action Plan and to the community on the issues of deterring juvenile delinquency.

Finding: The Census at Juvenile Hall Has Remained Consistently High

Despite a drop in juvenile crime in San Francisco since 1988, the census at Juvenile Hall has remained consistently high. One of the community center's goals is to decrease the number of juveniles detained at the youth center.

Recommendation 2: Hold Board Hearings to Determine the Decrease in the Number of Juveniles Detained at Youth Guidance

The Board of Supervisors should obtain copies of the population management investigation of both the implementation team and the Probation Department and schedule a hearing as to why there has not been a decrease in the number of juveniles detained at youth guidance.

Jeannie Hwang Bray Administrator Delinquency Prevention Commission November 15, 2000

There are various potential factors that lead to the continuous high numbers at YGC. First of all, the laws have changed and it makes it easier to criminalize and incarcerate youth more than ever. Therefore, although the crime rates have gone down overall, many more youth are being arrested and jailed for crimes that youth may have not been imprisoned for several years ago. Secondly, many youth who are incarcerated are also being held at YGC for longer periods of time (especially girls) due to a lack of community resources for youth such as group homes, foster placement, case management, and school placement. Finally, CARC is very clear in the types of cases they can and cannot accept into the program so perhaps we do need to re-evaluate those "qualifications". However, the decision on how to alter the "qualifications" list should not be decided soley by CARC, but based on a citywide plan, with both departmental and community input, on redefining what constitutes juvenile delinquency and what constitutes the need for incarceration.

Finding: Not All Juvenile Offenders Are Referred to the Community Center

There are exceptions as to which juvenile offenders are referred to community center. The implementation team should identify resources needed to service "high-risk" youths and those with mental health needs.

Recommendation 3: Determine Who Should Be Referred to the Community Center

If the community center is continued after the crime commission evaluation, the issue of the type of cases that should be referred to the community center should be made clear. While the decision of the exception of juveniles from who are referred to community center may be that of the California Board of Corrections (board of corrections), it is recommended that leadership be taken either by the implementation team, or the Coordinating Council of the Mayor's Criminal Justice Council in order to provide the board of corrections with information so that a well-informed decision can be made.

Eugene Clendinen Acting Director Mayor's Criminal Justice Council November 1, 2000

It is a misconception that the Board of Corrections (BOC) limited the kinds of cases that are eligible for CARC. In fact, the eligibility criteria were developed over a series of meetings by the CARC Design and Detail Team, the group organized by the Implementation Team to flesh out the program's policies and procedures. This team included members from the Juvenile Probation Department, the San Francisco Police Department, the Mayor's Criminal Justice Council, Delancey Street, all onsite providers and numerous community-based organizations.

The guiding principles behind the eligibility criteria were fairly simple:

- Youths with warrants obviously needed to go to YCG per the warrant;
- Youths from out of county were not appropriate for CARC services, which would focus on coordination with San Francisco community-based services;
- Youths whose charges or circumstances would mandate detention beyond a few hours could not be accommodated at CARC, as it does not-and was not intended to-have secure detention capability.

Using these guidelines, the eligibility criteria list was drafted and all police officers were trained on the criteria. It is acknowledged that these criteria have posed some confusion for the arresting police and others. To remedy this situation, HYP, in conjunction with MCJC and the SFPD have implemented a clear and concise new policy whereby police officers call CARC about youth arrested during CARC's hours of operation, and the CARC staff works with the officers to determine eligibility. Based upon feedback from the Juvenile Probation Department, the Police Department and CARC staff, the eligibility criteria are remaining unchanged at this time.

It must be reiterated that the majority of youths referred to CARC are properly characterized as "high risk," even if the charge that brings them in is not considered serious. Many youths served by CARC have a history of serious criminal activity and were previously or are currently on probation. Some have been labeled as serious offenders by the Juvenile Probation Department. In numerous cases, youths brought to CARC for less serious crimes have presented with significant problems requiring intensive case management. This is consistent with the research, which indicates that it is the multiplicity of risk factors, rather than the severity of the presenting offense, that predicts whether the youth will continue on to be a serious, chronic offender ~ Orange County Probation Department (1994); Hawkins & Catellano (1992); Elliot, Huizinga and Ageton (1985)). To suggest that CARC was intended to serve "low risk" youths is incorrect; in fact, the program's arrest criteria

and practices were specifically designed to avoid "widening the net" by bringing in youths who should be admonished or youths who commit status offenses.

It should also be reemphasized that while CARC always intended to avoid unnecessary detention, the program was never envisioned as a solution for keeping all youths out of Juvenile Hall. Unfortunately, some youths require a level of detention that CARC cannot provide -for example, youths who have left a frightened victim in the community, who have committed deadly or violent offenses, who have repeatedly dodged their probation officers or judges.

While CARC does not serve these youths, the Local Action Plan developers have endeavored to identify appropriate services for these youths -including Juvenile Hall- and to fill gaps where necessary while avoiding duplication of services. For youths booked at Juvenile Hall, there are some alternative services in place. For example, DDAP, the GIRLS Program and Intensive Home-Based Supervision all work to provide heavily structured and supported community placement for appropriate detained youths. For youths who may not benefit from CARC services because of significant mental health needs, the City is developing Project Impact, which will provide a continuum of mental health services for juvenile justice and at-risk youths. However, identification of these resources simply does not eliminate the need for some youths to be booked at YGC. To this end, San Francisco is embarking on a major Juvenile Hall Replacement Project. This project will create a state-of-the-art secure detention facility that is equipped to provide detained youths with the high-quality programming and services that they need.

Finally, it should be clarified that youths who are injured or are at risk of hurting themselves do not go to YCG, but instead to San Francisco General Hospital for medical clearance. They then may be eligible for CARC.

Eugene Clendinen Acting Director Mayor's Criminal Justice Council May 25, 2001

CARC has continued to operate after the pilot program period, and plans are in place for the program to continue operation after the release of NCCD's final evaluation report.

As clarified above, eligibility criteria for CARC were developed over a series of meetings by the CARC Design and Detail Team, which included key participants in the program and in the City's juvenile justice system. In order to ensure that the police contact CARC regarding all eligible youths, the San Francisco Police Department has issued a standing order that the police contact CARC regarding every youth arrested during CARC's hours of operation. This process has significantly improved the rate of eligible youths being served by CARC. In addition, MCJC and all agencies participating in CARC are continuing to review the CARC eligibility criteria.

Fred Lau Chief of Police Police Department October 16, 2000

The Police Department, in cooperation with other agencies participating in CARC, has continually revised its procedures to expand referrals to CARC. Attached to our response is the most current Department Bulletin addressing CARC referrals (see Exhibit A). [The exhibit is not included in this report, but may be obtained from the Police Department]

Jeff Brown Public Defender Office of the Public Defender January 2, 2001

In response to the Grand Jury Recommendations that a response is required from the Public Defender, I would concur with Recommendations in the Juvenile Justice section. I would also state that the Office of the Public Defender is in compliance with the Annual Report requirement set forth in Section 8.16 of the Administrative Code.

Terence Hallinan
District Attorney
Office of the District Attorney
October 12, 2000

It is clear to the District Attorney's Office what cases should be referred to C.A.R.C. Attachment 4, "Guidelines for Taking Youth to Either C.A.R.C. or Youth Guidance Center Based on Type of Charge (see Exhibit "A")", is unambiguous. The mandatory offenses listed in Attachment 4 of cases that must not be brought to C.A.R.C., are offenses listed in Welfare & Institutions Code Section 653.5 (see Exhibit "B"). Cases coming within Welfare & Institutions Code Section 653.5 must be investigated, submitted to the District Attorney's Office and filed within 48 hours. Thus, C.A.R.C. is excluded from dealing with such cases until after they have been formally referred to the District Attorney's Office. The offenses listed in W&I Section 653.5(c)(1) are specifically denoted in W &1 Section 707(h) (see Exhibit "C"). [The exhibits are not included in this report, but may be obtained from the District Attorney's Office.]

The County Grand Jury reached the conclusion that the California Board of Corrections (C.B.C.) established the "Guidelines.....Based on Type of Charge" in Attachment 4. The County Grand Jury further suggests that leadership be taken to impact C.B.C.'s decision on the type of cases referred to C.A.R.C. It is the position of the District Attorney that state law dealing with violent crime, to wit: W&I Sections 653.5(c)(1) and 707(b), places limitation on the type of cases referred to C.A.R.C., and that no administrative agency can circumvent these laws. Moreover,

a prosecutor has sole discretion to determine whom to charge, what charges to file and pursue, and what punishment to seek. People v. Eubanks (1996) 59 Cal.Rptr. 2nd 200,14 Cal.4th 580; People v. Wallace (1985) 215 Cal.Rptr. 203,169 Cal.App.3d 408; People v. Cortez (1999) 85 Cal.Rptr.2d 519, 71 Cal.App.4th 62; Government Code Section 26501 (see Exhibit "D"). California Constitution Article 5 Section 13 (see Exhibit "E"). [The exhibits are not included in this report, but may be obtained from the District Attorney's Office]

Terence Hallinan District Attorney Office of the District Attorney May 25, 2001

The Office of District Attorney Terence Hallinan is open to discussing the type of cases that should be referred to C.A.R.C. (Community Assessment And Referral Center) with any interested party or agency.

Jesse E. Williams, Jr. Chief Probation Officer Juvenile Probation Department May 23, 2001

The NCCD evaluation of the Community Assessment and Referral Center (CARC) has yet to be completed. However, the Center, the Mayor's Criminal Justice Council and the Juvenile Probation Department are meeting and determining categories of referral cases, previously exceptions under the Board of Corrections (BOC), that could be appropriately be referred to CARC. Currently there are clear guidelines as to the types of cases that can be referred with discretion as to which cases are appropriate made by the CARC Probation Officer in conjunction with other CARC staff. The BOC, post grant, has no responsibility to determine or approve policy for the CARC.

Finding: Public Forum for the Evaluation of the Community Center Is Needed

A proper public forum is needed to present the crime commission evaluation and ensure enlightened dialogue with and input from the public.

Recommendation 4: Hold a Meeting to Publicly Discuss the Evaluation of Community Center

A meeting should be set as soon as possible after the crime commission evaluation before either the implementation team or the Mayor's Criminal Justice Council. Consideration should be given to soliciting help from the signatories of the action plan as well as San Francisco State University and Golden Gate University. This meeting should give all

interested parties an opportunity to be heard on issues that will be addressed in the crime commission evaluation and raised in this Civil Grand Jury investigation, namely: usage of the community center; the stable population at Juvenile Hall over the years; exceptions to juvenile offenders who are referred to the community center; programs that target "highrisk" youth; removing any impediments to success; mediating differences and misunderstandings thereby ensuring coordination among agencies; optimizing the allocation of funds among the various service providers; implementing effective leadership to ensure accountability, coordination and communication; requiring accountability of all participants by demanding detailed reports that measures performance; and lastly, getting consensus from all the participants as to the future of the community center.

Responses to Recommendation

Eugene Clendinen Acting Director Mayor's Criminal Justice Council November 1, 2000

As stated above, NCCD's final evaluation report is due to the Board of Corrections on September 30,2001. At that time, the Mayor's Criminal Justice Council will call a public meeting, which will include the members of the Juvenile Justice Coordinating Council and any other relevant parties. The meeting will be publicly noticed and will be a forum for both city officials and the public to voice opinions and concerns regarding CARC and the evaluation's findings. As CARC is a publicly funded program, NCCD's report will be a public document available for review.

Eugene Clendinen Acting Director Mayor's Criminal Justice Council May 25, 2001

As stated above, NCCD's final evaluation report is not due to be completed until September of 2001, at which time a meeting will be set to address these issues.

Finding: Formal Methods Needed to Refer Issues to the Implementation Team

There is no easy method to update or amend the action plan or otherwise reach consensus. For instance, there are no regularly scheduled meetings of the action plan signatories, nor are any planned. There should be a formalized method by which significant issues can be referred to all participants in the implementation team, which was established by the Mayor as an objective body to implement the action plan and which is in the best position to try to reach resolution in a manner which is of greatest benefit to the juvenile offenders.

Recommendation 5: The Implementation Team Should Meet Regularly

The implementation team should agree to meet on a regular basis, at least twice a year, to discuss significant issues related to the action plan.

Responses to Recommendation

Eugene Clendinen Acting Director Mayor's Criminal Justice Council November 1, 2000

The Delancey Implementation Team's tenure has ended as other long-term providers have assumed responsibility over each of the Local Action Plan programs. This is consistent with the Team's role as it was originally envisioned, which was to get each program up and running and transition them to long-term providers. For the Community Assessment and Referral Center, the Implementation Team's oversight terminated on June 30, 2000.

Throughout the pilot period, another oversight team met approximately every other month to review LAP implementation activities. This group included representatives from MCJC, Delancey Street Foundation's Implementation Team, the Juvenile Probation Department, the police, the Department of Public Health (Special Programs for Youth), the Juvenile Court, the District Attorney, the Public Defender and the School District, as well as participating community-based organizations. The group met at the various LAP program sites and agency offices. As with the Implementation Team, this group's tenure ended with the conclusion of the pilot period June 30, 2000.

Current oversight of CARC and all other LAP programs is being provided by MCJC, which has established a new staff position to assume this responsibility. In addition, the Juvenile Justice Coordinating Council continues to meet on a regular basis. The Coordinating Council, which was created pursuant to the same legislation that funded the Local Action Plan's pilot period, was formed to provide a forum for Local Action Plan issues to be raised and discussed. Council participants include heads of all departments involved in the juvenile justice system. These meetings are open to the public and agendas made public in advance.

San Francisco's juvenile justice system is continuing to build upon the structure set in place by the Local Action Plan. The six programs originally proposed were designed to fill critical gaps in the system, but they are just a part of the LAP. The LAP is really a framework- a new approach to the City's juvenile justice system. It lays the foundation for a balanced, comprehensive and collaborative system based upon the principles of reciprocal restitution; system-wide accountability (for both the youths and the providers who work with them); training and technical assistance; competency and character development; and individualized "surround"

services" for youths at key points in their involvement with the system. These basic principles set the stage for continuing expansion of LAP programming.

For example, under the direction of MCJC and the Juvenile Justice Coordinating Council, the City applied for and received \$7.4 million to incorporate a continuum of mental health services for at-risk and juvenile justice youths into the LAP. These programs are being created through the collaborative efforts of MCJC, the Juvenile Probation Department, the Department of Public Health, the Department of Human Services and community-based organizations throughout the City.

In addition, other funding and program development decisions in which MCJC is involved are consistent with the principles of the LAP. For example, all community agencies funded through MCJC's Juvenile Justice Reform Initiative are expected to provide services that are in harmony with the principles of the LAP and the specific LAP programs.

Eugene Clendinen Acting Director Mayor's Criminal Justice Council May 25, 2001

As clarified above, the Implementation Team ceased operation at the end of the pilot period on June 30, 2001. Current oversight of CARC is provided by MCJC, which coordinates with all participating agencies and organizations. It is also anticipated that CARC will be reviewed as needed by the Juvenile Justice Coordinating Council.

Jesse E. Williams, Jr. Chief Probation Officer Juvenile Probation Department May 23, 2001

The Juvenile Probation Department fully supports regular meetings of the Local Action Plan implementation team. The department will coordinate with the Mayor's Criminal Justice Council to facilitate biannual meetings to discuss issues related to the action plan.

General Response

Steve Kawa Deputy Chief of Staff Office of the Mayor June 21, 2001

The Mayor's Office agrees with the response provided by the Mayor's Criminal Justice Council (MCJC) regarding the administration of the CARC. The CARC is designed to avoid unnecessary detention for youth who can benefit from alternatives to incarceration. Coordination among all public safety agencies has been strengthened to continue to improve the process and service for youth eligible for CARC. CARC has transitioned into an on-going component of the City's juvenile justice system. The Mayor's Office continues to support the improvement and integration of CARC.

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CHAPTER 8 MEDICAL EXAMINER'S OFFICE

BACKGROUND

The 1999-2000 San Francisco Civil Grand Jury (Civil Grand Jury) reviewed the San Francisco Medical Examiner's Office (office). The foremost responsibility of the office is the investigation and certification of a variety of deaths. Closely associated with responsibility for investigation and certification of deaths, the office is charged with protecting and safekeeping property belonging to deceased individuals, conducting inquests where indicated, maintaining proper public records, making reports to other agencies, identification of deceased persons, interment of the indigent and many other death-related activities. The initial impetus for the review was generated by third-party and anecdotal information and concerns as to alleged unfortunate and insensitive interaction with officials of the office's investigator/response team and members of the public. After commencing the review, the Civil Grand Jury became aware of an audit conducted by the Board of Supervisor's Budget Analyst and submitted to the San Francisco Board of Supervisors on April 18, 1997.

The Civil Grand Jury concluded that the office's investigator/response team, individuals facing extremely difficult challenges each day, are a dedicated group of individuals who conduct their duties professionally and compassionately. Not only does an extensive background check secure quality applicants, but the investigators receive very thorough training by the office. The Civil Grand Jury also concluded that many of the critical items set forth in the Budget Analyst's audit have been corrected. The Civil Grand Jury has determined that other criticisms set forth in the audit were either not warranted or were not in need of further review or recommendation on the part of the Civil Grand Jury.

RESULTS

The Civil Grand Jury made five recommendations and required responses from the following:

Chief Medical Examiner
Director of Administrative Services
Department of Public Works

Finding: Investigators Are Sometimes Delayed in Arriving at the Scene of a Death

The Civil Grand Jury reviewed the issue of delayed response to a call regarding a death. The Chief of the Police Department advised the Civil Grand Jury that representatives of the office are more often than not on the scene before the police arrive. However, the Chief Medical Examiner did acknowledge that there were often delays with respect to representatives of the investigation section arriving at a home where family members were on the scene. This chiefly involved a situation where the investigation team was required to attend to a homicide case or a situation where there was a decedent in public view. These situations have a higher order of response than the situation involving a death with family members on the scene. The office's Administrative Guidelines Manual does provide that if the investigation representatives are going to be delayed, the investigators should telephone the office to advise of the delay.

Recommendation 1: Advise Parties of Any Delays

If representatives of the investigation team are going to be delayed and cannot arrive at the scene of a death within one hour of advising the parties of the scheduled arrival, the investigators should telephone the individuals at the scene, explain the delay and give an approximate time of arrival. The investigator's ambulance should contain a cell phone.

Responses to Recommendation

Ryan L. Brooks
Director
Department of Administrative Services
August 28, 2000

Attached are responses from the Department of Animal Care and Control, and the Medical Examiner's Office. We thank the Civil Grand Jury for their good work and are especially appreciative of their recognition of both department's hard work and dedication. As the Director of Administrative Services, I am proud to have this division as a part of my team. [Refer to responses from the Department of Animal Care and Control and the Medical Examiner's Office, dated August 31, 2000]

Boyd G. Stephen, M.D. Chief Medical Examiner Medical Examiner's Office August 31, 2000

This is a valid concern and only requires a policy change in the Office. The recommendation is also in line with the philosophy of the Department in regards to helping families at a time of need. That policy change will be enacted immediately. Placing cell phones in the ambulances requires funding. We are working with the City Administrator and the County to fund this item within the current budget year.

Finding: The Office Should Identify Crime-Scene Cleaning Services for the Public

The Civil Grand Jury raised the issue of how members of the public may secure help in cleaning premises that have been the scene of a violent crime. The Chief Medical Examiner advised that it is against the policy of the office to steer people to certain crimescene cleaners. The office suggests that people look in the phone book for such services. The Civil Grand Jury feels that this reticence to inform victims of violent crime as to cleaning services is not warranted. The Civil Grand Jury does understand that the office does not want to be accused of steering members of the public to a particular vendor. Indeed there is a clear policy prohibiting referrals to a particular funeral home. However, it does seem a bit abrupt to advise people who are quite naturally in a state of shock to "look in the phone book."

Recommendation 2: Prepare a Master List of Crime-Scene Cleaning Services

A master list of crime-scene cleaning services should be prepared by the office and made available on request to individuals requiring help in cleaning up a premises that has been the scene of a violent crime.

Response to Recommendation

Boyd G. Stephen, M.D. Chief Medical Examiner Medical Examiner's Office August 31, 2000

With the changing biohazard risks and laws, restoring a scene with biologic waste requires licensed disposal. The State of California registers scene-cleaning services and provides a list of same. It has been my policy to refer families to a listing in the telephone book or to the State Service. I will meet with the City Attorney to ensure that we can recommend the State list without legal risk to the County and, upon approval by that agency, initiate such a policy.

Finding: Informative Brochures on the Office Should Be More Widely Available

There is available at the office in the Hall of Justice several brochures in different languages delineating in a very sensitive and informative manner the duties and functions of the office and providing other information to survivors. These brochures should be more widely available.

Recommendation 3: Carry Brochures in Ambulances

Brochures currently available at the office in the Hall of Justice explaining the duties and functions of the office in several languages should also be available in the investigator's ambulances so that it may be distributed to the survivors or friends of the deceased at the time the investigators visit the scene.

Response to Recommendation

Boyd G. Stephen, M.D. Chief Medical Examiner Medical Examiner's Office August 31, 2000

This is an obvious and valid point. This recommendation has already been enacted.

Finding: The Office's Autopsy Room Should Be Made More Secure

The Civil Grand Jury investigated the possibility that unauthorized third persons might enter areas of the office, specifically the autopsy room or storage area and view the remains of decedents. There is a potential problem with the door utilized by the investigators' ambulances and funeral director's vehicles. This is the original door that was constructed at the time the Hall of Justice was built. While locked and made of steel, the Chief Medical Examiner is concerned that the door could be opened by a crow-bar. Were someone to do this and gain access to the office and photograph or otherwise take inappropriate action with respect to human remains, the uproar and potential liability to the City would be horrendous.

Recommendation 4: Replace the Autopsy Room Door

The door to the autopsy room used by ambulances and investigator vehicles is the original door constructed at the time the Hall of Justice was built and is marginally secure. Considering the potential liability of the City should a break-in occur, a requisition should be made for the replacement to a door with appropriate standards for security.

Responses to Recommendation

Boyd G. Stephen, M.D. Chief Medical Examiner Medical Examiner's Office August 31, 2000

I agree. I have been in contact with the Supervising Building Engineer from the Department of Public Works. He is in the process of evaluating the possible

reconstruction or changes in this door in order to address the service needs of the Department and improve building security. This change will require budget funding and once the scope of work is defined, I will take the necessary steps to request funding from the County.

Edwin M. Lee Director of Public Works Department of Public Works November 3, 2000

DPW is working with the Medical Examiner's Office to evaluate the door security, determine the estimated cost to provide adequate security and most efficient way to make upgrade.

Finding: San Francisco is Fortunate to Have the Chief Medical Examiner

San Francisco is fortunate indeed to have the benefit of the services of the present Chief Medical Examiner. He is a dedicated public servant. The Civil Grand Jury concurs with the impressions expressed in the 1997 audit by the budget analyst concluding that the Chief Medical Examiner was very well respected in the forensic pathology, of great value to San Francisco, and is the key factor in generating San Francisco's reputation for providing the highest quality forensic services. The Civil Grand Jury has noted the extensive time that the Chief Medical Examiner spends at the office, including weekends and evenings, and the fact that he is subject to being called in at any time. Budgetary constraints require his participation in the Toxicology and Pathology Departments at the expense of his being able to give more attention to general managerial and supervisory duties.

Recommendation 5: Plan for the Unanticipated Departure of the Chief Medical Examiner

The Chief Medical Examiner will not be with us forever. Appropriate planning and discussion must be commenced to deal with the unanticipated departure of the Chief Medical Examiner through illness or retirement.

Response to Recommendation

Boyd G. Stephen, M.D. Chief Medical Examiner Medical Examiner's Office August 31, 2000

I agree. The effective transfer of legal responsibility would most appropriately be through an internal promotion of a qualified physician from within the Department who has already become familiar with the policies and procedures as well as the interactions with other agencies and the policies of the County. A number of licenses and certificates are required, some of which could take a year or more to obtain. There is no one on staff currently who meets these requirements. The alternate is a step-down procedure where a new Chief Medical Examiner, selected from national recruitment, takes responsibility but I step-down to an Assistant Medical Examiner position for one or two years. During that time, my licenses and qualifications could be used to keep the Office legal with the various regulatory agencies, give the new Chief time to adjust to the Department, begin to set policies and become familiar with the County procedures and obtain the necessary credentials. Both paths have problems that will have to be addressed. Never the less, I've been in this Office since 1968 and will need to retire in the reasonable future. This matter needs to be addressed to avoid legal and public health problems for the County.

I have discussed this issue with the City Administrator and together, we will continue to plan for a logical transition process.

General Responses

Boyd G. Stephen, M.D. Chief Medical Examiner Medical Examiner's Office August 31, 2000

I was impressed by the care and attention to detail displayed by this Jury in their review of my Department. Their recommendations are realistic and appropriate. Most have already been instituted and my staff and I are exploring funding or the legal aspects of the others. I expect compliance on all or nearly all of the remaining recommendations within this fiscal budget.

Boyd G. Stephens, M.D. Chief Medical Examiner Medical Examiner's Office May 9, 2001

The recommendations of the 1999-2000 Grand Jury related to the Office of the Medical Examiner have been instituted by the department, as detailed in our August 31, 2000 letter to the presiding judge. There are two exceptions. Funding is being sought for the replacement of the rear door to the building (recommendation #4). There have been discussions with the director of Administrative Services regarding recommendation #5, the transition to a new Chief upon my retirement. Those discussions are ongoing.

CHAPTER 9 SAN FRANCISCO NEIGHBORHOOD PARKS

BACKGROUND

The 1999-2000 San Francisco Civil Grand Jury (Civil Grand Jury) investigated the Recreation and Park Department (Recreation and Park), focusing on the maintenance and safe usability of smaller neighborhood parks and facilities. In addition, the Civil Grand Jury investigated the impacts of the parks bond (Proposition A from the March 2000 ballot) and of the open space fund extension (Proposition C from the March 2000 ballot) on these types of smaller neighborhood parks and facilities.

The Civil Grand Jury found that recognition of a need for change was developing among various Recreation and Park Department staff, parks advocates, and the media. There was widespread acknowledgement that no significant capital expenditures or plan for neighborhood parks had been in place for nearly half a century.

In 1999, the Recreation and Park Department prepared an extensive facilities improvement plan and capital use time-line for all its facilities. The department's survey grouped facilities by the supervisorial district in which they were located, and allowed residents and city staff alike to look at needs from a more neighborhood-oriented basis, i.e., at the sites closest to where people live and which they see most often.

RESULTS

The Civil Grand Jury made seven recommendations and required responses from the following:

Mayor Board of Supervisors Department of Public Works Recreation and Park Department

Finding: Installing New Playground Structures Is Costly

Often, it is more economical and efficient to have a private contractor install playground equipment; however, the Department is bound by the City Charter to permit other city agencies to have first opportunity at the job. The incorporation of various departments (e.g., surveying and landscaping) raises costs and prolongs the process. For example, it took the Department of Public Works (Public Works) six months to survey, design, and install a children's playground. A private contractor could do the same in four to five weeks.

Recommendation 1: Streamline Procurement Procedures and Improve Coordination With Public Works

Implement a procedure for streamlining cumbersome inter-departmental rules and requirements for procurement when items critical to use of a facility are out-of-service. Recreation and Park better coordinate with Public Works for a more efficient timeline of installation of playgrounds. Work that Public Works estimates cannot be timely performed should then be sourced out to private contractors.

Response to Recommendation

Elizabeth Goldstein General Manager Recreation and Park Department February 6, 2001

In an effort to remedy these circumstances, the Department has embarked on new strategies to more efficiently provide supplies and resources to individual facilities in the Department's jurisdiction. These strategies include but are not limited to: better training opportunities for staff members so that they can utilize best practices, better troubleshooting in the supply warehouse at the corporate main yard regarding inventories, and ongoing improvements to overall internal staff communications.

In addition, two key studies, including the, "1998-1999 Great Parks for a Great City," Assessment Project (refer to the Assessment Project, "Executive Summary," attached) and the Strategic Planning Process, (refer to the "Strategic Plan Timeline," attached), scheduled to be completed in late 2000, are designed to give the Department the first ever comprehensive analysis of the overall needs of the neighborhood park system. The purpose of these studies includes identifying the best strategies for solving many of the longstanding problems that the Department has faced over the last several years. One of the key components of these studies addresses best practices for involving the community in an ongoing dialogue about desired improvements in neighborhood parks, empowering advocacy groups to help facilitate improvements to the system, and for researching possible funding opportunities beyond city funding.

Furthermore, in an effort to give more attention to smaller, lesser known neighborhood parks, the Department has embarked on a number of minor to major capital improvement projects including parks such as Alioto Park, Rolph Playground, Turk Hyde Mini Park, Head Street Park, and Martin Luther King Pool. All of these facilities are not, "high profile, tourist-oriented parks and facilities." (page 5, San Francisco Neighborhood Parks)

The Capital Plan, which is being implemented as a result of the passage of the Bond Proposition A and Charter Amendment proposition C (March 2000), will be a, "formalized process, within city government to analyze and plan for Recreation and Park facilities, and site repair."(page 6, San Francisco Neighborhood Parks) This plan will include an ongoing public review process, by which both staff and the general public will have opportunities to provide input on the priorities for the schedule for the Capital Plan. This dialogue began in late 1999 and will continue throughout the entire process.

Edwin M. Lee Director of Public Works Department of Public Works November 3, 2000

DPW, in association with the Recreation and Park Department, has developed a Process Improvement Team to improve, develop and implement strategies for procurement and construction of capital projects. The Team was successful in streamlining funding transfers and other procedures to cut project delivery time. The Team also implemented two new contracting procedures to hire (private) general contractors on an as needed basis so that smaller projects could be executed in a more timely manner. The Team continues to work together to improve City government for the benefit of its citizens. DPW executes all work in accordance with the City Administrative Code. Work exceeding \$100,000 is contracted out to private contractors in compliance with the Public Works Code by public advertisement, bid and award to the lowest responsive, responsible bidder. Recreation and Park has projects less than that ceiling are typically handled by their maintenance staff.

ADDITIONAL INFORMATION PERTAINING TO THE NEIGHBORHOOD PARKS

The perception that interdepartmental policies and procedures increase the cost and delivery time of minor equipment is unwarranted. The Civil Grand Jury Report states within the narrative in Section D: (The basic cost of these playground structures range from \$30,000- \$75,000 (unassembled) and are sometimes donated by individuals and/or organizations. However, installation costs through the Department of Public Works (DPW) can range to 600 percent over costs. As an example, one playground structure we reviewed cost \$30,000, but the cost of installation was \$619,000- roughly 2000 percent of costs. Furthermore, installation

may be slowed when incorporating interdepartmental coordination as compared to using one general (private) contractor." DPW contacted Gary Giubbini of the Grand Jury staff and was told that this statement was reported from interviews with Recreation and Park staff. After investigation, we were unable to find anyone within Recreation and Park who would support this claim.

The facts pertaining to most playground projects are these: Renovations of playgrounds and the installation of new structures trigger additional work to comply with current federal, state and local codes. This additional work requires, topographical and civil surveys, hazardous material investigations, hazmat abatement, accessibility improvements to both the new structure and those facilities serving that playground. More often than not, other work is also added including, deferred maintenance and other program upgrades to improve service to the community. As stated above, all work is performed in compliance with the federal, state and local laws governing capital improvement projects. Although it may appear that these requirements were imposed by DPW, we can assure the Grand Jury that DPW is only executing these projects as required by the laws and policies established by the Board of Supervisors and the Mayor.

Finding: The Department Has Not Investigated All Funding Possibilities

The Recreation and Park Department has long failed to fully investigate all possibilities as to city funding, purchasing, and coordination of services, instead taking what was easily available or what it was politically pressured to provide. Also, neighborhood and community/vest-pocket parks have gotten less attention than high-profile, tourist-oriented parks and facilities.

Recommendation 2: Formalize a Process to Plan for Facilities and Repairs

Formalize some permanent process within city government to analyze and plan for Recreation and Park facilities and site repair.

Recommendation 3: Develop Long Range Plans Not Dependent on General Fund Support

Develop long-range funding plans that don't substantially depend on annual general fund support.

Response to Recommendation

Elizabeth Goldstein General Manager Recreation and Park Department February 6, 2001

In an effort to address this, the Department has produced a new guide to the San Francisco Recreation and Park system, (refer to the attachment entitled, "A Guide to San Francisco Recreation and Parks") and conducted a public awareness and involvement campaign called the "Park Renaissance," earlier this year. This campaign included not only the new guide but also public service announcements, a new website, billboards, print media advertising on the MUNI buses and in MUNI bus shelters, commercials, special events and surveys. The Department also invests staff resource into developing stewardship programs which have been implemented in neighborhoods throughout San Francisco, including places like McLaren Park and Golden Gate Park. These efforts are ongoing.

Finding: Neighborhood Residents Should be Involved in Planning Improvements

There is a growing consensus that neighborhood parks are the ones that residents use most, warranting substantial involvement of residents in the planning of improvements and changes.

Recommendation 4: Develop an Advisory Process to Involve Residents

Develop within Recreation and Park some form of ongoing advisory or consultation process involving neighborhood park users and nearby residents.

Finding: Capital Funding Plan May Cover Costs for Repair of Neighborhood Parks

The multi-source capital-funding plan together to meet the needs outlined in the Civil Grand Jury's report might be stretched to cover the estimated \$400 million needed for repair and development in neighborhood parks.

Recommendation 5: Develop Contingency Plans for Critical Facility Needs

Develop some contingency and priority plan for what are the most critical facilities' needs in the event that expected monies do not materialize or project costs significantly exceed budgeted amounts.

Finding: The Department Cannot Easily Educate Users of Its Facilities

Recreation and Park does not always know who's using its facilities and for what purpose. This makes it difficult not only to track unusual wear-and-tear or damage but also makes it hard to educate any and all users about what activity is and isn't appropriate for that facility.

Recommendation 6: Make Information Widely Available

Establish some simple process for making information widely available to city park users about how to treat their parks.

Response to Recommendation

Elizabeth Goldstein General Manager Recreation and Park Department February 6, 2001

In an effort to address this, the Department has produced a new guide to the San Francisco Recreation and Park system, (refer to the attachment entitled, "A Guide to San Francisco Recreation and Parks") and conducted a public awareness and involvement campaign called the "Park Renaissance," earlier this year. This campaign included not only the new guide but also public service announcements, a new website, billboards, print media advertising on the MUNI buses and in MUNI bus shelters, commercials, special events and surveys. The Department also invests staff resource into developing stewardship programs which have been implemented in neighborhoods throughout San Francisco, including places like McLaren Park and Golden Gate Park. These efforts are ongoing.

Finding: The Department Needs to Track the Wear and Tear on Its Facilities

The Recreation and Park Department does not reliably and regularly track wear-and-tear on all its facilities.

Recommendation 7: Update Information on the Physical Needs of Facilities

Rely on newly-emerging attitudes of commitment to the parks and on new technology to institute annual updating of the physical needs of each facility.

Response to Recommendation

Elizabeth Goldstein General Manager Recreation and Park Department February 6, 2001

Two components of the strategy to identify ways to capitalize on these new trends, includes utilizing the database program that was purchased as a component of the "1998-1999 Great Parks for a Great City Assessment Project," and the Capital Plan to renovate existing facilities with better, more efficient designs that utilize drought resistant species, erosion controlling landscaping practices, aggressive and preventive urban forestry, ongoing restoration of natural areas, prioritizing the use of indigenous species for new plantings, and lower maintenance species selections for all new projects and renovations. In addition, better communication about what is grown in the Golden Gate Park Nursery and what is requested by gardeners has led to better seed selections, and more sustainable, hardier landscapes in the neighborhood parks and Golden Gate Park.

In the realm of building and playground design, the strategies include using more graffiti resistant materials, hardier and more tamper resistant and safer fixtures especially in all new and existing restroom facilities, better recreation facility designs to allow for the most up-to-date, safe programming and service provisions, gradually upgrading all existing facilities to be ADA and seismic compliant and conducting public education and staff training.

General Response

Steve Kawa Deputy Chief of Staff Office of the Mayor June 21, 2001

The Mayor's Office continues to support the steps taken by the Recreation and Park Department to implement Proposition A. Many of the steps address issues raised by the Civil Grand Jury. Through an extensive community input process the department has drafted a strategic plan for prioritizing capital projects and solving longstanding problems like those presented by the Civil Grand Jury. For example, to increase efficiency of capital projects, the department created a new capital division to focus on the implementation of its capital plan, including Proposition A projects. The Departments of Public Works and Recreation and Park are working closely to ensure timely deployment of projects and that best practices in managing capital projects are followed.

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CHAPTER 10 NEGLECT OF REPORTING REQUIREMENTS

BACKGROUND

The 1999-2000 San Francisco Civil Grand Jury (Civil Grand Jury) investigated whether departments of the City and County of San Francisco (City) are complying with requirements to prepare and submit a wide variety of reports. The requirements are contained in the San Francisco Charter and Municipal Codes, and in the ordinances and resolutions of the Board of Supervisors. The requirements typically state when and to whom the reports are to be submitted. The Board of Supervisors is the most usual required recipient of reports, followed by the Mayor of San Francisco.

In addition to requirements specific to each report, there also is a global requirement applicable to all official published documents. The San Francisco Administrative Code, Section 8.16, requires every official, board, commission, or department publishing an annual report or other official documents to file at least two copies with the Documents Department of the San Francisco Public Library within 10 days after publication of the report. Any violation of the provisions of this section on the part of any elective officer or any member of any board or commission is deemed to be official misconduct and any violation of the provisions of the section on the part of any employee is deemed to be inattention to duties and considered cause for suspension or dismissal from service.

RESULTS

The Civil Grand Jury made 20 recommendations and required responses from the following:

All Agencies for Recommendations 1, 2, and 3
Mayor
Department of Administrative Services
Board of Supervisors
City Attorney
Public Library
Sunshine Ordinance Task Force
Department of Telecommunications and Information Services

Finding: Many Agencies Do Not Appear To Be Sending Two Copies of All Public Documents to the Public Library

The Civil Grand Jury found that copies of many reports have not been sent to the Documents Desk of the Public Library. Library staff are aware of the requirements of the Administrative Code, Section 8.16, and have several times in the past sent out a reminder to various City agencies regarding this requirement.

Recommendation 1: All Agencies Should Indicate Whether Report Requirements Are Correct

Each agency is requested to respond in writing to the Civil Grand Jury as to whether or not that agency:

- Agrees whether or not listed report requirements are correct.
- Agrees whether or not report status is correct.
- Believes there are any requirements Civil Grand Jury have omitted.
- Intends to send material to the library.

Recommendation 2: All Agencies Should Indicate How Requirements Will Be Implemented

Please indicate how you have incorporated, or will incorporate, knowledge of these requirements into any department procedure or other internal process such that staff turnover, etc., will not negatively impact sending required materials to the Documents Desk of the Public Library.

Recommendation 3: All Agencies Should Indicate How They Will Disseminate Requirements to Staff

Please indicate how you have disseminated this information to your staff.

Responses to Recommendations 1, 2, and 3

Christine Kibre Controller California Academy Sciences November 2, 2000

In response to your memorandum on the Final Report of the 1999-2000 Civil Grand Jury entitled Neglect of Reporting Requirements, please find enclosed a copy of the California Academy of Sciences' Annual Report for the fiscal year 1998-1999. [The annual report is not included in this report. Please contact the agency to obtain a copy.]

William L. Lee City Administrator

Ryan L. Brooks Director Department of Administrative Services October 16, 2000

The Department of Administrative Services was created in the 1996 Charter amendment. Since our department's creation, we have not filed an annual report as required under AC 2A.30, C 3.104 and C 4.129. While we are a department, the director is not a department head as defined by Charter 3.104 requiring department heads appointed by the Mayor to prepare and file annual reports. The director of the Department of Administrative Services is appointed by the City Administrator. The City Administrator is appointed by the Mayor and confirmed by the Board of Supervisors. The Department of Administrative Services through the City Administrator provides the following responses.

In response to Finding (1):

The Department does not agree with the listed reporting requirements. Report status is correct. No requirements have been omitted.

The Department will send reports to the library as soon as they are compiled. To ensure that knowledge of these requirements transcend changes in personnel, we will produce a calendar of required reports and filings to be incorporated into our department's standard operating procedures. All division heads and internal staff have been made aware of the Civil Grand Jury's Neglect of Reporting Requirements. Our divisions will be an integral part of our efforts to produce an annual report.

Anthony J. DeLucchi Director of Property Real Estate Division Department of Administrative Services August 31, 2000

The Real Estate Division of the Department of Administrative Services does prepare an annual property report published on or about July 1st of each year. As required, two copies of this report are sent annually to San Francisco Public Library's Government Information Center. In order to ensure that this report-mailing process continues, the Division has assigned this project to appropriate staff and incorporated this assignment into an Annual Performance Evaluation.

Errol W. Fitzpatrick Risk Manager Risk Management Program Department of Administrative Services December 26, 2000

The Risk Management Division under the Department of Administrative Services has prepared various reports and distributed those reports to required department such as Board of Supervisors and City Attorney. However, none of the reports have been placed in the City Library. Future reports will be processed and placed as required by various Administrative Codes.

Administrative Code 67.29

Administrative Services and Risk Management staff are in the process of reviewing changes recommended by the City Attorney and finalizing the Record Retention and Destruction Policy for the Risk Management Division. This document addresses records retention, current and historical records, records not requiring retention, identifies the types of records according to code interpretations and specifies the period of retention and records locations by code specification. (Grand Jury Report, locator- T1 -5)

When complete, this document will be submitted to the Administrative Services Department. According to Administrative Code, Section 67.29, there is no requirement for the Risk Management Division to report on the City and County progress in developing a records index or to develop a City and County Records Index.

Administrative Code 1.24

This code authorizes the Risk Manager to approve hold harmless agreements between the City and other persons or entities. The Risk Manager confers with the City Attorney and Controller as necessary and as appropriate. Prior hold harmless agreements approved by the Board of Supervisors remain in effect. (Grand Jury Report -locator T1-37)

Risk Management prepares quarterly reports on hold harmless/indemnity agreements, which are submitted to the Board of Supervisors, the Controller and the City Attorney. These reports will now be filed with the City Library.

Administrative Codes 2A.30 and 10.75 - Not applicable to Risk Management

Administrative Codes 16.120 and 88.4 - Not applicable to Risk Management

Administrative Code 10.75

The Risk Management budget is submitted to Administrative Services as part of the budget development process. The entire Department Budget then is submitted to the Board of Supervisors for review and determination. Throughout this process, the Risk Management budget is a separate identifiable section within the Administrative Services Department Budget. (Grand Jury Report -locator T1-37)

Administrative Code 16.83.3(d) - Not applicable to Risk Management

Administrative Code 16.127

This code section requires the Office of Risk Management to confer with the Controller and the City Attorney and report to the Board of Supervisors on necessary and appropriate changes in bonding requirements. This report is due by March 31st of each year. (Grand Jury Report -locator T1-37)

This section was added to the Administrative Code on April 28, 2000. This report will be completed and sent to the Board of Supervisors by March 31, 2001.

Errol W. Fitzpatrick Risk Manager Risk Management Program Department of Administrative Services May 10, 2001

On December 26, 2000, Risk Management delivered a written response to the recommendations in The San Francisco Civil Grand Jury Report of 1999-2000. Identified below are the Risk Management positions regarding each item identified in the report.

Item 1.

Administrative Code 67.29 – All future qualifying reports will be placed in the City Library. (Grand Jury Report Locator – T1-5) The Records Retention and Destruction Policy for Risk Management has been completed and signed-off by the Administrative Services Department.

Administrative Code 1.24 – Pursuant to the designated Code, Risk Management approves hold harmless agreements and confers with designated others as appropriate. Risk Management continues to submit reports for the approval of the Board of Supervisors. All future reports will be sent to the City Library for public filing. (Grand Jury Report Locator T1-37)

Administrative. Codes 2A.30 and 10.75 – Not applicable to Risk Management.

Administrative Codes 16.120 and 88.4 – Not applicable to Risk Management.

Administrative Code 10.75 – The Risk management budget is tracked through the budget development process as an identifiable item in the Administrative Services Budget. (Grand Jury Report Locator T1-37)

Administrative Code 16.83.3d - Not applicable to Risk Management.

Administrative Code 16.127 – This section requires Risk Management to confer with the controller and City Attorney and report to the Board of Supervisors on necessary and appropriate changes in the bond requirements and report to the Board of Supervisors by March 31, 2001. A report of all changes to the existing bond requirements will be reported the Board of Supervisors pursuant to the Admin. Code requirements.

Item 2.

All staff has read the requirements and has a copy of the Civil Grand Jury Report and Risk Management responses to the report. Additionally, staff has discussed the response and reviewed administration code sections applicable to Risk Management reporting requirements. The reporting requirements will be given to and discussed with any new staff who will place the reports in the risk management schedule for reports.

Item 3.

The report and response to the report have been given to staff and the reports and reporting requirements were discussed in a staff meeting.

Armando Cervantes Chief Adult Probation Officer Adult Probation Department January 2, 2001

The 1998-99 annual report was being prepared for publication during the audit of the department. Time frames were compromised because of the involvement in the preparation of the response to the audit. In addition, the goal for the 1998-99 annual report was to refrain from the former practice of "boiler plating" the report so as to provide a more accurate and updated information about the activities of the Adult Probation Department. The 1998-99 annual report will be completed and submitted as required by the City & County of San Francisco regulations and to comply with the grand jury report. The annual report will be completed and filed no later than January 19, 2001.

In accordance with the grand jury instructions, I agree with the requirements and also agree that a report should be submitted in a timely fashion. I also intend to file a copy with the Public Library and will release the information to staff for their review. If at all possible, I will attempt to disseminate the information in our

automation system so that staff will have the ability to review the annual report from their PCs.

Armando Cervantes Chief Adult Probation Officer Adult Probation Department May 2001

We have reviewed the 1999-2000 Civil Grand Jury Report – Neglect of Reporting Requirements and find the recommendations to be helpful. In particular, we believe that it is important for our citizens to know what their government is doing and those acting on behalf of their government are doing.

We concur with the recommendation on reporting requirements and report status and are in the process of preparing our annual report. The annual report will contain information about our mission statement and other informative information including highlights and achievements of the past year. Two copies will be submitted to the Public Library upon completion.

During the past fiscal year, our overtime expenditures have not exceeded \$25,000 and as such do not meet the provisions of Subsection (e) of Administrative Code, Section 18.13 requiring the submission of a biannual report to the Budget Analyst, with copies to the Board of Supervisors.

We have hired a new analyst and his responsibility will include the preparation of the department's annual report as well as updating our Policy and Procedure Manual. To mitigate the effect staff turnover or loss of key personnel, all division heads within the department will be involve in the preparation of this report.

Because the annual report is a statement of the department purpose and our obligation to the community, it is essential that staff understand the importance of this report. Staff from all level of the organization is participating in the conjunction with our division heads in the development of this report. Upon completion, highlights and major initiatives discussed in this report will emphasize during a staff meeting.

Joanne M. Holland Executive Assistant to the Director Commission on the Aging September 15, 2000

This letter is in response to the Final Report of the 1999-2000 Civil Grand Jury entitled Neglect of Reporting Requirements. Thank you for alerting the Commission on the Aging (COA) of the need to submit a current Area Plan 1997-2001 and the companion document, the Year End Report for FY 1998-1999, to the Clerk of the Board of Supervisors. I have submitted these documents as required

and have enclosed them for your information. [The documents are not included in this report, but may be obtained from the agency.]

Regarding Finding (1) of the Grand Jury, I have met with Terry Gwiazdowski of the San Francisco Public Library, Government Information Center. They have the most current Area Plan and Year-End Reports. The requirements of Administrative Code Section 8.16 that two copies of all public documents be filed with the Public Library, as well as the requirement that the Year-End Report is to be sent to the Clerk of the Board of Supervisors even if each Supervisor receives a copy, will be added to our Internal COA Guidelines. Adding this information to our Internal Guidelines document, which is in the process of being updated, will ensure that staff turnover will not negatively impact sending required material to the Document Desk of the Public Library and the Clerk of the Board of Supervisors. This letter has been distributed to all COA staff to disseminate this information.

Carl Friedman
Director
Animal Care and Control Department
September 18, 2000

Animal Care and Control is a Division, under the Administrative Services Department. The enabling legislation was Health Code Section 41.4 (a). This code states, "The Chief Administrative Officer shall appoint an Animal Control Officer who shall serve at the pleasure of the Chief Administrative Officer as the Director of the Animal Care and Control Department." The Charter changes of July 1, 1996 transitioned the Chief Administrative Officer to the City Administrator. This charter change also created the Administrative Services Department, into which Animal Care and Control (and numerous other departments) were put under.

In accordance with Administrative Code Section 2A.30, the Director of Animal Care and Control is not an elected officer, chief executive under a board or commission, nor appointed by the Mayor. The Department of Animal Care and Control has not been required to file an annual report since its creation in 1989.

In May of 1999 as requested, and mandated by the Charter Section 16.120, the Animal Care and Control Department has sent its Customer Service Plan to the Clerk of the Board of Supervisors and a copy to Supervisor Gavin Newsom.

Carl Friedman Director Animal Care and Control Department May 3, 2001

We do not agree that the list of reporting requirements for Animal Care and Control is correct. Animal Care and Control is a Division, under the Administrative Services Department. The enabling legislation is Health Code Section 41.4 (a).

This code states, "The Chief Administrative Officer shall appoint an Animal Control Officer who shall serve at the pleasure of the Chief Administrative Officer as the Director of the Animal Care and Control Department." The Charter changes of July 1, 1996 transitioned the Chief Administrative Officer to the City Administrator. This charter change also created the Administrative Services Department, into which Animal Care and Control (and numerous other departments) were transferred to.

In accordance with Administrative Code Section 2A.30, the Director of Animal Care and Control is not an elected officer, chief executive under a board or commission, nor appointed by the Mayor. The Department of Animal Care and Control has not been required to file an annual report since its creation in 1989.

In May of 1999, as requested and mandated by the Charter Section 16.120, the Animal Care and Control Department did send its Customer Service Plan to the Clerk of the Board of Supervisors. As requested by the Clerk, a copy was sent to Supervisor Gavin Newsom's Office.

Robert H. Feldman Executive Secretary Board of Appeals April 3, 2001

I have read the report on behalf of the Board of Appeals and agree with finding No. 1 concerning the filing of all required documents with the Public Library. This department is in compliance with the Charter and ordinances requiring submittal of all calendars, minutes and annual reports to the S.F. Public Library and as otherwise required. In addition we post on the departmental web site our calendars and minutes to meet the requirements of the City's Sunshine Ordinance.

Richard Newirth Director of Cultural Affairs Art Commission October 16, 2000

The Arts Commission complies with this requirement. The department has a long-established office procedure of consistently filing two copies of public documents with the Government Information center of the library. All members of our staff are aware of this policy.

Laura Furney Hathhorn Executive Assistant Asian Art Commission Asian Art Museum of San Francisco November 14, 2000

The Asian Art Museum has forwarded to the SF Public Library's Government Information Center and the Clerk of the Board of Supervisors two copies each of back issues of Triptych and Treasurers, in-house publications documenting programs, exhibitions and activities of the museum which provide annual reporting information for 1994 and 1995. Since 1996, the Museum has published bound annual reports and copies of those have been forwarded as well. Arrangements have been made to make sure that all future copies of the annual reports are filed in a timely manner.

Frank Y. Chiu, C.B.O. Director Department of Building Inspection October 10, 2000

In response to the Report of the 1999-2000 San Francisco Civil Grand Jury the Department of Building Inspection would like to respectfully disagree to portions of the findings. Our findings and explanations are as follows:

- The Grand Jury has found that no Annual Report was found with the Clerk/Board of Supervisors files. The Department respectfully disagrees with this finding. For the past several years, the Department has not only provided an Annual Report to the Clerk of the Board but also has sent copies to all individual members of the Board. To date, the Department's 1999-2000 Annual Report will not be printed until after December 2000. Consistent with our past practices, once this report is completed, the Department will forward it to the Public Library and the Board of Supervisors.
- 2. The Department's Commissions/Boards were unaware of the requirement for the Annual Statement of Purpose or Annual Report. Currently, the Department's Annual Report includes a Statement of Purpose for the Building Inspection Commission only but does not cover the remaining Commissions/Boards. However, as of September 1, 2000, the Grand Jury's recommendation has been implemented. The Department will include in its Annual Report, a Statement of Purpose for the following: a) Board of Examiners; b) Code Advisory Committee; c) Access Appeals Commission; d) Abatement Appeals Board.
- The Grand Jury has found that the Library does not have copies of a report required under the San Francisco Building Code, Section 104.2.11. However, under this section, the Director is required only to transmit to the "Building

Inspection Commission...recommendations for changes to this code..." Therefore, the Department respectfully disagrees with the Grand Jury's findings that a report is required to be filed with the Public Library. The Department routinely complies with the section by not only providing recommendations to the Building Inspection Commission but to the Board of Supervisors as well.

- 4. Under the San Francisco Housing Code Section 204 (f), the Department shall provide a report to the Board of Supervisors with a detailed report of the number of citations that is issued under the San Francisco Housing Code. The Department agrees with the Grand Jury's findings that there is no report found with the Board of Supervisors. Additionally, the Department would also like to note that this section does not require a report to be filed with the Public Library. The Department has not provided a report of citations because the Department has not issued any such citations. The Department, through its Housing Inspection Division, utilizes other enforcement tools to achieve code compliance. We have found that the use of Director's Hearings, Assessment of Costs Lien Program, referral to our Code Enforcement Division and reducing the time of Notices of Violations, has preempted the need for such citations. The Housing Inspection Division's code enforcement efforts are reflected in the Department's Annual Report. The Annual Report is provided to the Public Library as well as to the members of the Board of Supervisors.
- 5. Under the Administrative Code, Section 41.11 (g), the Department is required to provide a report on the Hotel Conversion Fee. The Department has included such information in its annual budget, which is submitted to the Board of Supervisors by May 1st of every fiscal year. The Department has not recommended any adjustments thereof, and accordingly, has not found the need to file a report. Additionally, the Department would also like to note that this section does not require a report to be filed with the Public Library.
- 6. Under the Administrative Code Section 41.21 (a) the Department is required to submit an Annual Review of Residential Hotel Status. The Department maintains such a report and has provided it upon demand to the public and members of the Board of Supervisors. The Department will work with the Clerk of the Board of Supervisors to submit this report routinely on an annual basis.

We have implemented all of the findings in the Grand Jury's Report related to the Department of Building Inspection. We will continue to work hard in ensuring that our Department complies with all public reporting requirements.

Frank Y. Chiu, C.B.O. Director Department of Building Inspection May 24, 2001

In response to your request for a status report on the recommendations of the 1999-2000 San Francisco Civil Grand Jury, I have attached our report that was submitted in October 2000. [Please see response above.]

As detailed in our response to the Civil Grand Jury, we have implemented all the recommendations. We have met with our staff to discuss these various requirements and will also include these items in our records retention policy.

Betty Louie Chair Unreinforced Masonry Building Appeals Board Department of Building Inspection February 22, 2001

I have since learned that the minutes of our infrequent meetings are posted on the web. Two hard copies of each set of minutes for 1999-2000 will be sent to the Documents Department of the San Francisco Public Library as required by the report.

As our group does not have any annual reports or mission statements other than those stated in the legislation that created our group, no formal reports are forthcoming.

Susan Latham
Executive Assistant
San Francisco Children and Families Commission
January 2, 2001

Enclosed please find two copies of our Initial Strategic Plan June 2000, our January 1, 1999-June 30, 1999 Annual Audit and Report and our July 1, 1999-June 30, 2000 Annual Audit and Report. This request is in response to the December 14, 2000 letter sent to Ms. Ellen Dektar by Honorable Alfred G. Chiantelli, Presiding Judge, Superior Court of California, County of San Francisco, regarding Neglect of Reporting Requirements. As this is a new Commission and city department, we are in the process of developing its Annual Statement of Purpose and will provide it to you upon its completion and approval. [The strategic plans are not included in this report. Please contact the agency to obtain the copies.]

Louise H. Renne City Attorney Office of the City Attorney June 16, 2000

The City Attorney's Office is without sufficient information to agree or disagree with the Grand Jury's finding that a number of departments have not complied with the requirements of Administrative Code Section 8.16. However, the finding misstates the requirements of that provision. Administrative Code Section 8.16 does not require that copies of all public documents be filed with the Library. Rather, Section 8.16 requires that each "official, board, commission or department, who or which publishes an annual report, or other official published documents, relative to the affairs under his or her control . . ." file copies of those documents with the Library.

With the exception of the reports to the Commission on the Status of Women pursuant to Administrative Code Section 33.7(c), the City Attorney's Office agrees that the Grand Jury's report correctly identifies the reporting requirements applicable to the City Attorney, as well as the status of those reports. As indicated in the Interim Report, the City Attorney has responsibility for producing an annual report. In addition, in the future, the City Attorney will be required to report to the Sunshine Ordinance Task Force concerning petitions for access to records pursuant to Administrative Code Section 67.24(h), as well as to provide a departmental efficiency plan to the Board of Supervisors pursuant to Administrative Code Section 88.4.

The monthly report of claims settlements or the quarterly summary of litigation that the City Attorney provides to the Commission on the Status of Women pursuant to Administrative Code Section 33.7(c) are not "official published documents" within the meaning of Administrative Code Section 8.16 so as to require these materials to be filed with the Library. Instead, these materials are simply data that the City Attorney provides to the Commission so that the Commission may fulfill its obligations under Administrative Code Section 33.4 to monitor the reports of, and consult on the handling of, complaints of discrimination against women. These materials are not published, and are not generally distributed to persons or entities other than the Commission and the Board of Supervisors. Because these materials are not subject to the requirements of Section 8.16, we do not send them to the Library.

The City Attorney's Office is nearing completion of our report for 1999-2000. Once the report is completed, we will send a copy to the Library (as well as make it available on our web site). In order to ensure that the City Attorney's Office continues to provide copies of required reports to the Library in the future, we will incorporate these requirements in our office's records retention policy, which we are currently updating. We have also given directions relating to the requirements

imposed by Administrative Code Section 8.16 to the librarians and appropriate administrative staff in the City Attorney's Office.

Louise H. Renne City Attorney Office of the City Attorney May 25, 2001

As set forth in our June 16, 2000 response to the Grand Jury's Interim Report, with the one exception of the quarterly summary of litigation that the City Attorney provides to the Commission on the Status of Women, we agree with the Grand Jury's summary of reporting requirements applicable to the City Attorney's Office. Consistent with our obligations under Administrative Code §8.16, the City Attorney's Office files copies of appropriate reports with the Library. Since filing our response to the Interim Report, we completed the 1999-2000 annual report for the City Attorney's Office. This report has been filed with the Library and is available on our website.

As set forth in our June 16, 2000 response, we have made the appropriate administrative staff aware of the reporting requirements imposed by Administrative Code §8.16. The requirements of §8.16 will be addressed in the soon-to-be published revision of the City Attorney publication entitled "An Overview of the Laws Governing the Conduct of Public Officials." While this publication is distributed to senior officials throughout City government, it also serves as a general guidance document on these issues for the City Attorney's Office, and is made available to new attorneys that are assigned to work in the relevant subject areas.

Kate Favetti Executive Officer Civil Service Commission May 8, 2000

The report noted in Table 1 that the Civil Service Commission has not filed reports on the City's annual Affirmative Plan and salary surveys with the Documents Department of the Public Library as required by Administrative Code Section 8.16.

Affirmative Action Plan: The preparation of the annual Affirmative Action Plan became a function of the Department of Human Resources as a result of "Proposition L" (November 1993). Proposition L amended the Charter to establish the Civil Service Commission as a policy making board and created the new Department of Human Resources. The Department of Human Resources now prepares the annual Affirmative Action Plan.

Salary surveys: In addition, the Charter requires the Civil Service Commission to certify salary surveys for Registered Nurse classifications (A8.403), Transit

Operators (A8.404), Police Officers and Firefighters in all cities of 350,000 or more (A8.405), and wages and benefits for elected officials (A8.409-3). The Commission transmitted these certifications to the Board of Supervisors and are contained in the Commission Meeting files transmitted to the Documents Section of the Main Public Library. In accordance with the Commission's Records Retention policies, Commission Meeting files are kept in the Civil Service Commission office for five (5) years and on the sixth (6th) year, are transferred to the Public Library.

I appreciate the opportunity to clarify the status of the two items in the Interim Report and the Commission's efforts to comply with the reporting requirements. Should there be a need, I would be please to make arrangements for easier accessibility of the salary surveys at the Main Public Library.

Everett Brandon Chair 2000 Combined Charities Campaign April 20, 2000

This agency agrees that the listed report requirements (Annual Drive Success - Mayor/BdS) are correct.

This agency agrees that the report status is correct.

This agency does not believe any requirements have been omitted.

This agency intends to send two copies of the Annual Drive Success report to the Library immediately.

To incorporate knowledge of these requirements into internal processes, participating Federated Agencies will be instructed to incorporate into their responsibility, to produce the Annual Drive Success Report, sending required materials to the Document Desk of the Public Library.

This information will be disseminated to all members of the steering committee of the Annual Drive at its next meeting on Tuesday, May 2, 2000. Code responsibilities will be reviewed and steering committee members will be requested to keep in mind the reporting responsibility, as a collective duty of the committee.

Ronald Lee General Counsel San Francisco Community College District October 12, 2000

In Table 1 of the Report (p. T1-13), an entry is made for "Community College District Governing Board (a.k.a. City College and Board)". The table cites to Charter Section 8.101 and shows "no report found".

The SFCCD should not be listed at all in the report.

The SFCCD is part of the California Community College system and is a separate entity from the City and County of San Francisco. Education Code Section 70900 describes the state-wide system of community colleges while Education Code Section 70902 describes the authority of the local district. This District has long held the position that other than:

San Francisco Charter Section 8.101 which serves only to establish the composition and compensation of the Board of Trustees (generically, the local governing board); certain Education Code provisions (see ECS 88137) that require the District's classified employees to be subject to the City and County's merit system (note that this District meets and negotiates with its classified staff under the Educational Employment Relations Act whereas the City and County meets and negotiates pursuant to the Meyers-Milias- Brown Act); and other limited circumstances as provided by other statutes, the District is not subject to the administrative/municipal codes of the City and County. The District is a distinct separate legal entity. This view has been held not only by this District but also by the City Attorney's office. Consistent with this position, the City Attorney has opined, for example, that the City's Sunshine ordinance is inapplicable to the SFCCD, as is the City's M/WBE program.

For that matter, Table 1 contains no citations to City enactments which pertain to the SFCCD. The sole citation is to Section 8.101 of the Charter which provides for the establishment of the District's Board. (see also Education Code section 72000(c)(3) which describes and validates the annual organizational meeting of a community college district board elected in accordance with a city and county charter where the boundaries of the district are coterminous with the boundaries of the city and county; only San Francisco satisfies these conditions).

In the future, such a San Francisco Grand Jury regarding Report requirements should omit the SFCCD.

With that said, however, the SFCCD is extremely proud of its accomplishments. It plans to publish a yearly "report card" in the San Francisco Independent in the Fall of each year beginning in October 17, 2000 outlining its accomplishments. Moreover, interested parties can access the District's web site at www.ccsf.cc.ca.us to find further information about the College.

David C. Frieders
Director
Department of Consumer Assurance
Regulatory Compliance and Agricultural Standards
January 4, 2001

A timely report and response to the Grand Jury Report was forwarded to the Main Library, Governmental Section. In addition, information was forwarded to the Administrative Services Department to be included in their collective package.

Attached, please find a copy of this department's 1999 Annual Crop Report. Copies from the 1980 Decade are no longer available. [The report is not included in this report. Please contact the department to obtain a copy.]

David C. Frieders
Director
Department of Consumer Assurance
Regulatory Compliance and Agricultural Standards
May 9, 2001

The Department agrees the Annual Crop Report required of the Agricultural Commissioner is a correct report. Historic copies of this report dating back to 1980 decade are no longer on file. Other annual reports are not published by the Department. Extant copies of the Annual Crop Report requested were provided for the Grand Jury Report response to the Main Library, the Clerk's office and Administrative Services on 9/28/00, and again for Gary Giubbini, Superior Court, on 1/4/01.

Continuous provision of this report information will be provided to the Main Library, Documents Division by adding the address to the Department's annual mailing list for all recipients of the Annual Crop Report. There will not be any negative impact in making this provision adjustment.

Mailing information has been disseminated by including the address on the regular Department mailing list with the notation to the address of the Main Library, "annual mailing required by Statute".

Edward Harrington Controller Office of the Controller December 5, 2000

Thank you for the opportunity to respond to the "1999-2000 Neglect of Reporting Requirements" report of the Civil Grand Jury. As always, I would like to thank the members for their effort to improve the accountability of City government by ensuring accurate and up-to-date reporting of information required in San Francisco's Charter and codes. My office has assigned each report to a senior manager to ensure that all required reports are completed and distributed. Tripta Gupta of my staff will be charged with the responsibility for ensuring that each manager completes and distributes these reports.

Current copies of the following reports are being forwarded to the Library or Board of Supervisors:

 The six- and eight-month reports, required by Administrative Code Section 2A.19,

- The comprehensive annual financial report, required by Charter Section 2A.30,
- The annual three-year budget projection report, required by Charter Section A8.409,
- The annual street report, required by Administrative Code Section 10.3,
- The franchise compliance audits, required by Administrative Code Section 11.44,
- The report of taxicab fees, required by Police Code Section 1137,
- The Civil Grand Jury implementation report, required by Administrative Code Section 2.10.

The following reports have not been produced in recent years. Responsibility for these reports has been assigned, and beginning this year these reports will be produced and distributed:

- A report of total budget adjustments made to meet the requirements of new Memoranda of Understanding (MOUs), required by Administration Code Section 3.06,
- The departmental year-end revenue report, required by Charter Section 9.116,
- The audit of three charitable organizations, required by Police Code Section 660.4.
- The report of downtown park fund collections, established in Planning Code Section 139.

The following reports have become obsolete and have not been produced in recent years. In all cases, legislation has either been introduced or will be introduced at the Board of Supervisors to amend the section to update the reporting requirements.

- An efficiency plan progress report, required by Administrative Code Section 2.92.
- The annual report of expenditures from the comprehensive lead poisoning fund, required by Health Code Section 1635,
- The survey of revenue and taxation policies, required by Administrative Code Section 10A.2.
- The audit of veterans' exemption, required by Administrative Code Section 10.6-1.

I believe that the cited reporting deficiency detailed below are either satisfied through an existing report or are no longer required.

- The annual tax rate ordinance, required by Administrative Code Section 1.19, is
 enacted by the Board of Supervisors each fiscal year. The ordinance for the
 current year (#224-00 through 226-00) is on file with the Clerk of the Board of
 Supervisors, as required by law.
- The requirement to complete an annual report of the Police Department's fees was removed with the Board of Supervisor's enactment of legislation that deleted Administrative Code Section 3.17-2.

Thank you for your assistance in our efforts to improve our responsive reporting to the Mayor, Board of Supervisors, and the citizens of San Francisco.

Edward Harrington Controller Office of the Controller January 3, 2001

Charter Section 4.103 directs each Board and Commission to prepare an annual report describing its activities and to file such report with the Mayor and the Clerk of the Board of Supervisors.

The Transfer Tax Review Board consists of the Controller, the Director of Property, and the Tax Collector, or their designated representatives. Its function is to exercise the powers specified in Section 1115.2 of the City and County of San Francisco Municipal Code. These powers include:

- To conduct public hearings for the purpose of reviewing the County Recorder's decisions with respect to Documentary Transfer Tax and making ruling upon any petition for review;
- To approve, modify, or disapprove all forms, rules, and regulations proposed for approval by the County Recorder in the administration and enforcement of this ordinance; and
- To hear and determine in such manner as shall be just, any protest which may
 be made by any person who may be interested to any form, rule or regulation
 approved or prescribed by the Review Board.

During fiscal year 1999-00 the Transfer Tax Review Board did not conduct any activities

Jack Moerschbaecher Director San Francisco Convention Facilities September 29, 2000

In accordance with the recent Civil Grand Jury Report, I am sending this letter to inform you that the Convention Facilities Management Division of the Administrative Services Department has filed required reports with the Clerk of the Board of Supervisors and the Documents Section of the Main Library. Specifically, the following reports were filed:

Convention Facilities Management Annual Report 1998-1999 (filed July 14, 2000) Sole Source Contracts For Fiscal Year 1999-2000 (filed Sept. 12, 2000) Admin. Code 6.66 Convention Facility Public Works Report For Fiscal Year 1999-2000 (filed Sept. 12,2000)

We will file other mandated reports as they are completed and become due.

Jack Moerschbaecher Director San Francisco Convention Facilities May 16, 2001

The Convention Facilities Management Department has reviewed Chapter 10 of the Civil Grand Jury 1999-2000 report.

We agree that the report requirements for our department are correct.

We agree that the report status at the time was correct.

We do not believe any requirements have been omitted.

We have and will continue to send required material to the Library.

We have assigned responsibility for these requirements to the Chief Financial Officer of the department. We are committed to sending required materials to the Documents Desk of the Public Library. A file has been established with the CFO to ensure the requirements are met.

Nancy Alfaro Director Office of the County Clerk September 22, 2000

In response to your recommendations contained in the report, I hereby submit the following:

- I do not agree that the listed report requirements are correct;
- I agree that the report status is correct;
- I do not believe that there are any requirements you have omitted;
- I do not intend to send material to the library

Charter Section 18.105, which was passed by the voters in 1996, states the following: I. After July 1, 1997, the functions, powers and duties of the County Clerk shall be transferred to the City Administrator ...". Thereafter, pursuant to the San Francisco Charter Section 4.132, the Mayor formally moved the County Clerk's functions from the City Administrator to the Department of Administrative Services. Therefore, the office of the County Clerk is not a department but a division of the Department of Administrative Services. The Annual Report requirement should be deferred to the Department of Administrative Services.

Jeannie Hwang Bray Administrator Delinquency Prevention Commission December 27, 2000

The DPC has been submitting agendas and minutes to the Library. However, we were unaware of the regulations regarding two copies that must be submitted after 10 days of the meeting. We are currently in the process of hiring a new Administrative Assistant who typically takes care of this issue so there has been a backlog of agendas and minutes that are being prepared to submit to the Library. The problem with this issue is that the information is very spotty to some of us working with the Commission. When the DPC Administrator contacted the Board Clerk assigned to the DPC, he wasn't aware of any requirements for sending minutes and agendas to the Library. We agree with point #6 in that the new Administrator was not notified of reporting requirements by anyone person, but had to scramble for information and try to comply as much as possible.

In September, the Administrator went to the Library to check on the status of the Commission's documents. The Library supplied the Administrator with a list of the missing documents so that the DPC could provide them. Currently, we are assembling recent (available) agendas arid minutes as well as agendas and minutes that the Library does not have from DPC. There is no requirement for the DPC to submit annual reports. The most recent annual report was submitted, for FY 97-98, and we will submit a new report that will cover FY 98-99 to 00-01. Also, the DPC does have a website at http://sfgov.org/sfdpc.

The DPC staff currently consists only of the Administrator. We are in the process of hiring an Administrative Assistant who will be in charge of submitting all DPC records to the appropriate bodies. We would be interested in attending a training on this issue if any are available.

Patricia Fado Director Department of Elections November 14, 2000

In summary, the Department of Elections agrees with the findings of the Civil Grand Jury regarding the report requirements and the report status. Also, the Department of Elections intends to send official published material to the library. Knowledge of the reporting requirements will be implemented into the internal process of the Department. A detailed explanation is set forth below.

Observation of the Reporting Requirements in the Past

The Department of Elections agrees with the Civil Grand Jury that the preparation of annual reports and the submittal of official published documents to the San

Francisco Public Library are important to both policy makers and to the public. The Department also agrees with the Civil Grand Jury that the listed report requirements apply to the Department of Elections, in particular the requirement under Section 2A.30 of the Administrative Code to file an annual report. The Department believes that no reporting requirements have been omitted. The Civil Grand Jury also correctly found that no report has been submitted with the clerk of the Board of Supervisors or the Documents Department of the San Francisco Public Library. The Department of Elections intends, however, to prepare an annual report and to send it and other officially published documents (e.g., Voter Information Pamphlets) to the addressees named in Section 8.16 of the Administrative Code. All 29 versions of the Voter Information Pamphlet for the November 2000 election were sent to the library in three languages: English, Chinese, and Spanish. The runoff Voter Information Pamphlet will also be sent as soon as it is available from the printer.

Incorporation of the Knowledge of the Reporting Requirements into the Department Procedure

The Department of Elections will take steps to incorporate knowledge of the reporting requirements into departmental procedures. In the period between the November-December 2000 election season and the following general election in November 2001, the Department will be working on administrative and management improvements. The need for this process has been created by the implementation of a new optical scanning technology for voting. The new technology has created the opportunity for a comprehensive management review within the Department. Following the 2000 elections, the Department will be taking advantage of the off- season to review its achievements and to identify the areas where improvement is still needed. One of the areas of review will be the central administrative functions that include annual reporting requirements.

The lessons learned from the year 2000 election will become the subject of office manuals and timelines for each division, so that institutional memory is not lost when there are turnovers in staff. The reporting requirements will be incorporated into these manuals so that staff does not lose track of the requirements from year to year.

In addition, the Board of Supervisors has funded a Deputy Director position for the Department for the first time. This position will provide much-needed support for high level administrative tasks such as collection of information for and monitoring the progress of an annual report. The new position will generally help the Department to strengthen its central administrative and management functions.

Thera Bradshaw Director Emergency Communications Department October 5, 2000

In the first half of 1999 the Emergency Communications Department became a new department separate from the mayor's office. Prior to that time and continuing to date, ECD has been filing quarterly reports to the Board of Supervisors at the request of the Board. ECD believes that the quarterly reports satisfy the annual report obligation. ECD intends to continue providing quarterly reports until the Board of Supervisors requests an annual process at which time annual reports will be processed. The Emergency Communications Department will continue to provide two copies each of its quarterly reports to the library pursuant to San Francisco Administrative Code Section 8.16.

Randall Hayes
President
Commission on the Environment

Francesca Vietor Executive Director Department of the Environment September 6, 2000

As servants to the citizens of the City and County of San Francisco, we understand that we are responsible for making information related to the Department of the Environment and the Commission on the Environment available to the public. We appreciate the Grand Jury's recommendations on the reporting requirements for both the Department of the Environment and the Commission on the Environment (Table 1, TI-18). We would like to respond to each Charter or Code Citation individually:

AC, 21F.10: RECOMMENDATIONS TO THE BOARD OF SUPERVISORS

The Commission is required to submit a report to the Board of Supervisors no later than six months after the completion of the Environmentally Preferable Purchasing Pilot Program (EP3). The EP3 program is schedule for completion on March 31, 2002. The Commission is aware of this requirement and plans to submit the report to the Clerk of the Board of Supervisors and to the Document Reference desk at the Library by the aforementioned deadline.

AC, 2A.30: DEPARTMENT HEADS

Departments are required to submit their annual reports to the Clerk of the Board of Supervisors, the Mayor, and to the Document Reference desk at the Library. The Department of the Environment completed its 1999 annual report and sent several

copies to the Library. This report also serves as the annual report for the Commission on the Environment. We are unaware why the Library has no record of our latest annual report. We also sent reports to the Board of Supervisors, Mayor, and all Department heads in June, 2000. We will resend the report to the Library, as well as to the Board of Supervisors and the Mayor.

AC, 39.6 (g): IMPLEMENTATION OF CITY INTEGRATED PEST MANAGEMENT POLICY (Semi-annual reports)

The Department is required to report to the Commission on the status of City department efforts to implement the City IPM Policy. The April, 2000 semi-annual report was submitted to the Commission on the Environment on the progress of the IPM program. A copy will be forwarded to the Library for their files.

AC, 39.6 (g): IMPLEMENTATION OF CITY INTEGRATED PEST MANAGEMENT POLICY (Annual reports)

The Department is required to provide an annual report to the Board of Supervisors on the status of City department efforts. An annual report on the program's progress is in process. The report has been delayed in order to refine the quality of the pesticide use data that is being submitted by participating departments. In addition, changes were required in the database set up to track pesticide use. It is anticipated that the report will be finalized and brought before the Commission on the Environment in November, 2000. A copy will be sent to the Clerk of the Board of Supervisors and to the Document Reference desk at the Library.

AC, 39.8 (c): EXEMPTIONS - INTEGRATED PEST MANAGEMENT

This section of the code deals with limited use exemptions. The code does not require any specific report of exemption decisions made by the Department of the Environment. Exemption decisions are summarized in the annual progress report.

AC, 82.7: REPORT TO THE BOARD OF SUPERVISORS – RESOURCE EFFICIENCY

The report is due, "Within three years of the effective date of this Chapter..." The effective date of this Chapter is July, 1999, so the report is not due until July, 2002. Since the Chapter outlines an ambitious scope of work, the Department of the Environment expects to take the entire 3-year period to implement the program, assess whether it has achieved its stated goals, and develop recommendations for changes. The Department plans to file the report with the Board of Supervisors and the Library once the report has been prepared.

AC, 82.8 (j): RESOURCE-EFFICIENT PILOT PROJECTS

(NOTE: Grand Jury Table, T1-18 cites Section 82.8(j). There is no subsection "j," so the Department of the Environment has assumed that it applies to subsection "i" and has replied accordingly.)

The Bureau of Architecture--not the Department of the Environment--is responsible for preparing this report.

C, 16.120; AC, 88,4 (customer service plan):

The Department of the Environment completed a Customer Service Plan dated August 15, 2000. The plan will be submitted to the Clerk of the Board of Supervisors and to the Document Reference desk at the Library.

Virginia Vida Executive Director Ethics Commission September 27, 2000

The Grand Jury Report indicates that the Ethics Commission's most recent Annual Report, our 1997-2000 quarterly lobbyist reports, and our quarterly campaign consultant reports were not available at the document desk of the San Francisco Public Library. In addition, the Grand Jury Report indicates that our two most recent Annual Reports and our quarterly summaries of lobbyist and campaign consultant activity were not found in the office of the Clerk of the Board of Supervisors. As the report acknowledges, all of this information is available on the Commission's website.

It is our policy and practice to provide the library with copies of all official publications. To my knowledge, we have always sent copies of our annual, lobbyist and campaign consultant reports to the library immediately after publication. We do not know why much of this information is missing from the library. A member of my staff spoke with Terry Gwiazdowski at the library's Government Desk and was informed that many of the documents that the Grand Jury Report indicated were missing, were in fact available. In order to ensure that a complete set of annual, lobbyist and campaign consultant reports is available to the public at the library, I have sent the library duplicate copies of all reports.

It has also been our practice to provide the Board of Supervisors with these reports. In accordance with our duty under Charter Section C3.699-11(6) to report to the Board of Supervisors concerning the effectiveness of governmental ethics laws, the Commission has, since its inception, provided copies of its Annual Report to each Board member. (See, e.g., 1999 cover memo sending Annual Report to Board of Supervisors President Tom Ammiano, attached). In addition, pursuant to Campaign and Governmental Conduct Code Sections 1.520(d) and 2.140(e), we send copies

of all lobbyist and campaign consultant reports to each Board member. Although we have not sent an additional copy to the Clerk of the Board, we will do so in the future and have forwarded to the Clerk a complete set of all annual, lobbyist and campaign consultant reports.

The Grand Jury Report also indicates that the Ethics Commission, which has taken over the responsibilities of the Improper Government Activities Unit, will be required to file whistleblower reports with the Clerk of the Board of Supervisors. For your information, we have been consistently reporting this information in the Annual Report that we have filed with the Board of Supervisors.

With a small staff of seven, I am able to oversee the work of all Commission employees. Each of the three employees responsible for the production of the annual, campaign consultant and lobbyist reports has been trained to deliver the finished reports to the library, the Mayor and the Board of Supervisors. When new employees begin working for the Commission, they are similarly trained. Because the Ethics Commission understands the importance of continued, compliance with its reporting requirements, a memorandum has been sent to all staff members explaining proper distribution of Commission publications. (See Memo to Ethics Commission staff dated September 26, 2000, attached). [The memo is not included in this report. Please contact the agency to obtain a copy.]

Rosario Navarrette Steering Committee Secretary San Francisco Family Violence Council May 24, 2000

In January 1999, we submitted a report on the activities of the San Francisco Family Violence Council and its progress for 1998. Although it indicates in the report that no report was submitted, the Board of Supervisors was given a copy of the annual report for their records. We now have recommendations from 1998 that will be forwarded to the Board of Supervisors and the public library. In the future, all recommendations and reports will be submitted to the Board of Supervisors and the Public Library. This would include any recommendations from the San Francisco Family Violence Council's Domestic Violence Death Review Team and any subcommittees or committees.

Steve Dykes Deputy Director for Administration and Finance Fine Arts Museums August 21, 2000

In May 2000, the Fine Arts Museums of San Francisco brought the S.F. Public Library's Government Information Center holdings up-to-date with back copies of Fine Arts, our in-house publication, which documents the programs, exhibitions and activities of the M.H. de Young Memorial Museum and the California Palace

of the Legion of Honor by way of providing annual report information. Arrangements have been made to make sure that all future issues are filed in a timely manner.

Looking ahead, we suggest that a standardized annual report format would go a long way to provide essential information, promote brevity and reduce production time and expenses.

Paul J. Tabacco Acting Chief of Department Fire Department January 22, 2001

Concerning the section concerning Neglect of Reporting Requirements, I have reviewed this report with staff and the Fire Commission and provide the following response to each item:

I agree that either an Annual Statement of purpose by the Fire Commission, and an Annual Report by the Department, should be submitted on a regularly scheduled system, annually.

The Fire Department is behind several years in its completion and submittal of an Annual Report. This has become a top priority and the Department through the Fire Commission, will be submitting these reports in the coming months.

I do not believe there are any requirements that were omitted.

As stated above, I have made this matter a top priority for the Department and intend to send any completed reports to the library immediately, and will have subsequent annual reports sent thereafter, in an expedited manner.

Paul J. Tabacco Acting Chief of Department Fire Department May 25, 2001

The Commission agrees that the Annual Statement of Purpose for FY 2000-2001 of the Fire Department and Annual Reports shall be completed and distributed as necessary. The Commission has completed its Annual Statement of Purpose, which was adopted by the Fire Commission at its April 12, 2001 meeting. The Statement was then submitted to the Board of Supervisors. The Annual Reports are still being completed for previous years and upon completion will be submitted appropriately to the Mayor and Clerk of the Board of Supervisors with a copy to the San Francisco Public Library.

Michael Ellzey Chief Executive Officer Golden Gate Park Concourse Authority August 25, 2000

In response to your recommendations contained in the report, I hereby submit the following:

- I agree that the listed report requirements are correct;
- I agree that the report status is correct;
- I do not believe that there are any requirements you have omitted:
- I intend to send the material to the library.

These requirements are now incorporated into our departmental procedures in coordination with my staff and I have instructed my staff as to the significance of sending required materials to the Document Desk of the Public Library in a timely manner.

Julia Kay Executive Assistant Golden Gate Park Concourse Authority May 23, 2001

In response to your request for a status report on the implementation of the recommendations of the 1999-2000 San Francisco Civil Grand Jury, the Golden Gate Park Concourse Authority would like the following improvements included in the next report:

- Fulfilled and updated the Documents Desk of the Public Library with all required reports and have implemented an internal procedure to insure knowledge of these requirements.
- Achieved implementation of department Website for public disclosure of activities on the Internet.

Jacquelyn M. Oliveri Interim Chief Executive Officer San Francisco Health Authority October 9, 2000

In response to the Memorandum from Gil Brigham, Foreman, 1999-2000 Civil Grand Jury, dated August 17, 2000, San Francisco Health Authority:

- does agree that the listed report requirements for the Health Authority are correct.
- does agree that the report status is correct,

- does not believe there are any requirements that have been omitted from the report, and
- intends to continue sending minutes from the Authority's public meetings to the library.

Jacquelyn M. Oliveri Chief Financial Officer San Francisco Health Authority June 29, 2001

On October 9, 2000, San Francisco Health Authority responded to the recommendations of the Civil Grand Jury that, the Authority:

- does agree that the listed report requirements are correct
- does agree that the report status is correct
- believes there are no requirements that have been omitted
- intends to continue sending material to the library.

The Health Authority has incorporated knowledge of this requirement into its Administration department in the following way: It is the responsibility of the Executive Assistant to the Authority's Chief Executive Officer to send materials to the Documents Desk at the Library. This responsibility is contained in the job description for the Executive Assistant. Sending documents to the library is also included in the Administration Department's procedure relating to the bi-monthly meetings of the Authority's Governing Board.

Including this requirement in both the job description of the CEO's Executive Assistant and in the Administration Department's procedure for Governing Board meetings ensures that staff turnover will not negatively impact sending materials to the Documents Desk at the Library.

Virginia Harmon Interim Director Human Rights Commission October 17, 2000

I write in response to the Report of the 1999-2000 San Francisco Civil Grand Jury entitled Neglect of Reporting Requirements ("Grand Jury Report"). The following headings correspond to the findings set forth in Table 1 of the Grand Jury Report.

1. Administrative Code Section 12A.6

The Human Rights Commission ("HRC") agrees with the Grand Jury's findings and will submit the appropriate report to the Board of Supervisors and the Document Desk at the Public Library beginning the next quarter.

2. Administrative Code Section 12D.A.6(B)(4)¹

Administrative Code Section 12D was amended to Section 12D.A on September 28,1998. This provision requires HRC to submit proposed amendments to Administrative Code Section 12D.A ("Chapter 12D.A"). The HRC has not proposed any amendments to Chapter 12D.A during the period examined by the Grand Jury. Any future proposed amendment to Chapter 12D.A will be submitted as part of the Commission's annual report submitted pursuant to Chapter 12D.A.18(B) to both the Board of Supervisors and the Document Desk at the Public library. The Grand Jury Report also identifies Administrative Code Section 12D.6(B)(2).

3. Administrative Code Section 12D.A.10(C)(5)

This provision does not exist.

4. Administrative Code Section 12D.A.18 A²

HRC agrees with the Grand Jury's finding in regard to the submission of quarterly reports to the Document Desk at the Public Library. HRC has submitted reports prepared consistent with this provision commencing March 1, 1999 to the Board of Supervisors and intends to submit reports prepared pursuant to this provision in the future.

5. Administrative Code Section 12D.A.18(B)³

HRC agrees with the Grand Jury's finding in regard to the submission of annual reports to the Document Desk at the Public Library. HRC has submitted annual reports prepared pursuant to this provision commencing March I, 1999 to the Board of Supervisors and intends to submit reports prepared pursuant to this provision in the future.

6. Charter Section 4.103 and Administrative Code Section 1.56

HRC agrees with the Grand Jury's finding in regard to submission of a Statement of Purpose pursuant to these provisions. HRC is preparing a Statement of Purpose, which it intends to submit to the Board of Supervisors and to the Document Desk at the Public Library.

A copy of this letter has been forwarded to HRC's custodian of records, who has been instructed as to the importance of compliance with the relevant provisions.

Please rest assured that HRC will dedicate the necessary efforts to meet all reporting requirements.

The Grand Jury Report also identifies Administrative Code Section 12D.15(B). As outlined in footnote I, Section 12D was amended to Section 12D.A on September 28, 1998.

Jane Morrison President Human Services Commission January 11, 2001

The Human Services Commission has complied with the reporting requirements recommended by the 1999-2000 Grand Jury report.

The Commission submits duplicate copies of its agenda, minutes, notices of actions taken in closed session, and Annual Statements of Purpose to the Document Desk of the San Francisco Public Library. However, the Annual Statement of Purpose has been forwarded as part of the minutes of the meeting in which it was adopted. In the future, we will also forward that document as a separate report.

Louise Rainey Commission Secretary Human Services Commission May 14, 2001

Recommendation One: The HSC agrees that the report requirements are correct; the HSC aggress that the report status is correct; the HSC believes that requirements have not been omitted; the HSC does now and intends to continue to send material to the Library.

Recommendation Two: Knowledge of these requirements has been incorporated into the written statements of duties for the position of Commission Secretary-Human Services Commission.

Recommendation Three: Not applicable.

Trent Rhorer Acting Executive Director Department of Human Services October 19, 2000

We are pleased that the Grand Jury found all documents required of the Department of Human Services to be appropriately reported.

The Grand Jury Report also identifies Administrative Code Section 12D.6(B)(2). Administrative Code Section 12D was amended to Section 12D.A on September 28,1998.

The Grand jury Report also identifies Administrative Code Section 12D.15(C). As outlined in footnote 1, Section 12D was amended to Section 12D.A on September 28, 1998.

I did notice that some advisory bodies on which DHS actively participates were not fully compliant with their reporting requirements. Specifically, reports were missing or late from the following groups:

- Child Care Planning and Advisory Council
- In Home Supportive Services Public Authority
- · Local Homeless Coordinating Board

While we are not responsible for the reports that these bodies produce, I will direct my staff who participates in these activities to urge the responsible parties to comply with the reporting requirements.

Trent Rhorer Executive Director Department of Human Services May 21, 2001

At your request, we are providing an update on the status of the implementation of the 1999-2000 Civil Grand Jury's findings. I am responding on behalf of the Human Services Commission, as well as the Department of Human Services. As we noted in our initial response, dated October 19, 2000, DHS was in compliance with all reporting requirements.

In order to remain in compliance with all reporting requirements, we will compile an annual schedule of reports the Department or Commission is required to complete. We intend to create the schedule to include not just county required reports, but also those required of the state or federal government. The schedule will also include notations about requirements for distributing these reports to the Public Library.

When DHS first reviewed the Civil Grand Jury's report, we shared the findings with our Executive Management team in order to ensure there was broad awareness of our reporting requirements. When we have completed the schedule of reports, we will also share that information with our management team.

Donna Calame Executive Director In-Home Supportive Services Public Authority August 22, 2000

Enclosed please find the information required to complete Grand Jury Findings on our agency. This information will also be filed as requested with the County Clerk's Office at City Hall, Room 168, by September 1, 2000. [The information is not included in this report. Please contact the agency to obtain a copy.]

Donna Calame Executive Director In-Home Supportive Services Public Authority May 15, 2001

We complied last fall with all that was requested of us. It has always been the case that part of our office manager's written duties are to get timely notice of meetings and their minutes to the library. There were a couple of periods last year where we had no office manager and these duties were not apparently followed. I do not expect that circumstance to be repeated. Our current office manager has faithfully conveyed the required material.

Winny Loi Special Assistant Immigrant Rights Commission May 18, 2001

The Immigrant Rights Commission agrees that the listed report requirements are correct, agrees that the report status is correct, and that there are no omitted requirements. We are sending materials to the Public Library by mail and by fax. The Immigrant Rights Commission sends most of our materials that are related to the IRC such as minutes, notice of meeting and agendas, resolutions, and annual reports to the Public Library's Government Information Center. The Immigrant Rights Commission disseminates information by e-mail or by making copies of the information and sending by mail. There is only one staff, so the Executive Director communicates with me directly or by e-mail.

Steve Kawa Deputy Chief of Staff Office of the Mayor June 21, 2001

The Mayor's Office agrees with the general assessment by the Civil Grand Jury that the charter and code sections governing reporting requirements for annual reports, etc. by specific agencies, departments and commissions, are complicated and often unclear. The Mayor's Office does not believe that there is any intentional failure to report by agencies and departments.

In the Mayor's Office initial response to this item, it found through a review of departments that no reporting requirements were missing from the Civil Grand Jury report. The Mayor's Office also finds that departments are aware of the reporting requirements and follow these requirements when reports are issued. It appears that some current reports may not be on file because they were not issued before the Civil Grand Jury report was published.

The Mayor's Office is in the process of reviewing the feasibility of having the Department of Administrative Services or the Public Library coordinate with all departments to ensure that charter and code sections governing reporting requirements are met.

Pamela David Director Mayor's Office of Community Development September 8, 2000

The Mayor's Office of Community Development was mentioned under the "Neglect of Reporting Requirements" section of the 1999-2000 Civil Grand Jury Report. I am pleased to inform you that we have addressed the concerns listed on page Tl-13 and Tl-27: the Mayor's Office of Community Development 1998-1999 annual report is available at the Board of Supervisor's and on our web site (www.ci.sf.ca.us/mocd/info.htm#conplan).

Our 1999-2000 annual report will be completed and available on September 30th.

Pamela David Director Mayor's Office of Community Development May 9, 2001

In regards to Chapter 10, Reporting Requirements, we submitted a letter to the Civil Grand Jury on September 8, 2000, indicating that we had addressed the concerns raised. We have taken steps to ensure that our Annual Report, which is available on or after September 30th of each year, is submitted to the Board of Supervisors, a copy provided to the Main Library and a copy posted on our web site.

Eugene Clendinen Acting Director Mayor's Criminal Justice Council May 25, 2001

MCJC has responded in writing to the Civil Grand Jury and has answered all questions posed by this recommendation.

Although MCJC has no reporting requirements at this time, the Director of MCJC has disseminated its response to the Civil Grand Jury to all MCJC staff members with an opportunity for clarification and further information.

Lucien G. Canton Director Mayor's Office of Emergency Services April 27, 2000

The San Francisco Mayor's Office of Emergency Services disagrees partially with the finding.

The term "Emergency Services of San Francisco" noted in Table 1 is defined under Section 7.5 of the Administrative Code as "All officers and employees of the City and County, together with those volunteer forces enrolled to aid them . . . and all groups, organizations and persons who may...be charged with duties incident to the protection of life and property during (an) emergency." It is a legal definition that provides the authority to direct public employees and private citizens in the conduct of emergency response consistent with the provisions of the California Government Code, Section 8607, and the California Code of Regulations, Title 19, Division 2. Consequently, there is no "Emergency Services Department" and no requirement for the submission of an annual report. The 911 Quarterly Reports referred to in Table I are provided by the Emergency Communications Department, a new department created in 1998.

The position of Director of Emergency Services created under Section 7.7 of the Administrative Code is specifically placed under the direct supervision of the Mayor. The Office of Emergency Services constitutes a division of the Mayor's Office, not a separate department, and, as such, is not subject to the requirement of Section 2A.30 of the Administrative Code to submit an annual report. The Office of Emergency Services does maintain a website at htm://www.ci.sf.ca.us/oes/.

The recommendation that the "Emergency Services of San Francisco" submit annual reports will not be implemented as it is not warranted in that such an organization does not exist as a department. Further, City departments constituting the Emergency Services organization are already required to submit annual reports.

Don Hesse First Source Hiring Administrator Office of the Mayor May 3, 2000

The First Source Hiring Program (Chapter 83 of the San Francisco Administrative Code) was created by the Board of Supervisors in August 1998. As noted, the legislation contained a requirement that an annual report be submitted to the Mayor and Board of Supervisors. Because of start up delays and unexpected gaps in staffing, we consider that we are just now completing a full year of first source program experience. In fact, we had already identified June 30 as the closure date for our first annual report.

We hope to have the annual report completed and available as soon after that date as possible. We will provide the Public Library and the Clerk of the Board with copies as you recommend in your report. We plan to repeat the process annually.

Johanna Keeley Special Assistant to the Mayor Mayor's Office on Homelessness Liaison to the Local Homeless Coordinating Board October 22, 2000

Pursuant to Section 933 of the California Penal Code, the Local Homeless Coordinating Board is required to submit an annual statement of purpose. I am also sending a copy to the Civil Grand Jury and to the County Clerk's Office. The Local Homeless Board was formed in 1998 by legislation from the Board of Supervisors. The statement of purpose reflects this language. The San Francisco Local Homeless Coordination Board's statement of purpose:

The Local Homeless Board purpose is to function in an advisory capacity to City departments, commissions, and the Board of Supervisors to ensure that departmental policies and budget allocations are consistent with the Continuum of Care Plan.

Holly Friel Special Assistant to the Mayor Mayor's Office on Homelessness Liaison to the Local Homeless Coordinating Board May 21, 2001

My predecessor, Johanna Keeley, complied with this recommendation in October 2000 when she submitted copies of the Local Homeless Coordinating Board's statement of purpose to the Honorable Alfred G. Chiantelli, the Civil Grand Jury, and the County Clerk's Office. I am enclosing a copy of this correspondence. [The letter is not included in this report. Please contact the agency to obtain a copy.]

As the Local Homeless Coordinating Board recently expanded our statement of purpose in our bylaws, I was happy to have this opportunity to re-submit the revised statement of purpose. I have sent copies of this to the Civil Grand Jury, the County Clerk's Office, and the San Francisco Public Library. I am also enclosing a copy for your review. [The copy is not included in this report. Please contact the agency to obtain a copy.]

Boyd Stephens, M.D. Chief Medical Examiner Medical Examiner's Office December 28, 2000

The listed report requirements are correct.

The report status shows the 97/98 Annual Report on file with the Board of Supervisors and the Library, this is true. During the time the Grand Jury Report was being compiled, we were in the process of finalizing the 98/99 Annual Report. In April 2000, the 98/99 Annual Report was forwarded to the Board of Supervisors and the Library.

We do not believe that any requirements have been omitted.

We have routinely forwarded three (3) copies of our Annual Report to the Library. The current 1999-2000 Annual Report has recently been printed and forwarded to the Board of Supervisors and the Library.

The individuals responsible for the Annual Report are continuously gathering information and processing it for the final product. The process is ongoing and the time frame of final distribution is approximately the same year to year. We have an ongoing list of those persons and departments who require and request a copy of the Report and they receive their copy at the time of distribution.

Customer Service has always been a top priority for the Medical Examiner's Office. The family members of the patients that are under the jurisdiction of this office need to have the best possible service, in their time of need, as well as other agencies and the general public whom we serve. As for a Plan, this Department is part of Administrative Services and we would be part of the "Customer Service Plan" for that Department.

Helynna L. Brooke Executive Director San Francisco Mental Health Board April 17, 2000

In response to your interim report entitled "Neglect of Reporting Requirements," and with regard to Finding (1), the San Francisco Mental Health Board would like to report the following:

- To the best of our knowledge the reporting requirements you have listed are correct.
- 2. We have been sending two copies of our Annual Report to the Government Information Center of the Public Library. Your Table 1 shows that the most

recent Annual Report they have on file is 97/98. We are sending today a second set of copies of our 1999 Annual Report to the Government Information Center.

- 3. We have been sending a copy of our Annual Report to each of the members of the Board of Supervisors and each of their staff. We are sending today a copy to Gloria Young, Clerk of the Board of Supervisors and will continue to send a copy of the Annual Report to the Clerk directly.
- 4. We only have two staff and both are aware of your report and the requirements listed in it. We have made the appropriate update to our distribution lists with regard to the Clerk of the Board of Supervisors so there should be no problem with distribution even in the case of staff turnover.

In conclusion, the Mental Health Board is anxious to disseminate its materials as widely as possible. We are constantly trying to bring increased attention to the issue of mental illness and the need for mental health services in San Francisco. Our Annual Report for 2000 is due out in mid May, and we are printing triple the number of copies we printed last year so we can distribute it even more widely.

Francis Chin General Counsel Metropolitan Transportation Commission April 19, 2000

The Metropolitan Transportation Commission ("MTC") has received a copy of the interim report, Neglect of Reporting Requirements, produced by the "San Francisco Civil Grand Jury. The Grand Jury Report asks all named agencies to reply to its Finding (1) on page 10. MTC is referenced in Tables Tl-27, T2-5, and T2-7.

The Metropolitan Transportation Commission is a regional transportation planning agency created statutorily at Government Code § 66500 et seq. Its membership is set forth at Government Code § 66503.

MTC is not a commission or agency of the City and County of San Francisco; MTC is a commission to which the City and County of San Francisco has representation. If the City and County of San Francisco wishes to have its representatives provide the San Francisco library with information, we would be happy to make arrangements with your representatives on what information you wish and to facilitate the process.

Please be advised that MTC and the Association of Bay Area Governments ("ABAG") have their own library, employing 2 full-time librarians, to handle information generated for and by MTC and ABAG and their consultants, as well as being an affiliate of the State Census Data Center.

Rev. James McCray, Jr. President Parking and Traffic Commission

Fred M. Hamdun
Executive Director
Department of Parking and Traffic

Robert L. Davis Director Parking Authority November 13, 2000

The Department of Parking and Traffic, the Parking Authority, and the Parking and Traffic Commission is offering this response to the section "Neglect of Reporting Requirements" of the 1999-2000 Civil Grand Jury Report.

Public Works Code, Section 250.242: This section requires the Parking Authority to provide an annual report when any part of the operative cost of parking places have been paid by a special levy. To our department's knowledge, this type of special levy has not been assessed, so no report has ever been produced. The Grand Jury report states that the Public Utilities Commission has noted that this regulation is out of date and has been referred to the City Attorney's Office. However, the City Attorney's Office stated that it had not been contacted by the Civil Grand Jury about this code section.

Administrative Code Section 17.4: This section requires that the Parking and Traffic Commission shall submit annual or supplemental budgets which shall include the Parking Authority as if it were a department of the City and County of San Francisco. The budget of the Parking Authority, under direction of the Controller's Office, is submitted as a separate budget within the Department of Parking and Traffic's budget submittal. While the Parking Authority Budget is not submitted as a department, it is budgeted independently and the budget information is available to the public.

Administrative Code Section 17.5: This section requires that the Parking and Traffic Commission file each year an annual report for the Department of Parking and Traffic that includes a statement of financial affairs for the Parking Authority audited by an independent certified public accountant. While the Department of Parking and Traffic's annual report has not historically included an independent certified public accountant financial report, the Parking Authority has many financial management controls in place that comply with the spirit of this request. All Parking Authority garages are required to submit an audited financial statement each year prepared by an independent certified public accounting firm. In addition, the Audit Division of the Controller's Office performs a more in-depth management audit of about five facilities each year.

Traffic Code, Section 48.1: This section requires that the department submit a report to the Board of Supervisors on traffic accident data for all-red-interval traffic signals that have been installed. The Department of Parking and Traffic was unaware of this reporting requirement and it is currently compiling the data for this report. The department intends to submit a report with historic data to the Board of Supervisors and the Public Library by January 31, 2001. Once this report is complete, the department will submit this report every six months as required by the ordinance.

Traffic Code, Section 806: This section requires that the Department of Parking and Traffic provide the Board of Supervisors with a yearly report detailing the department's cost associated with street fairs for that year no later than December 1st. The Department of Parking and Traffic was unaware of this reporting requirement. It is currently compiling the cost data for this report and intends to submit the information to the Board of Supervisors by November 30, 2000. The department will continue to submit this report on a yearly-basis.

Administrative Code, Section 10C.12: This section requires that the Department of Parking and Traffic forward to the Board of Supervisors a report containing the amount paid for tow refunds every three months. The Department of Parking and Traffic was unaware of this reporting requirement. It has completed a report that includes tow refund information for the City's fiscal year ending June 30, 2000, which it will submit to the Board of Supervisors. The department will continue to submit this report every three months as required.

The Department of Parking and Traffic, the Parking Authority, and the Parking and Traffic Commission will ensure that all reports are also submitted to the Public Documents section of the San Francisco Public Library.

Cindy B. Shamban Management Assistant Traffic Engineering Division Department of Parking and Traffic November 30, 2000

Pursuant to Section 2 Part II, Chapter XI, Article 21 I Section 806 of the San Francisco Municipal Code, a yearly report is required by the Board of Supervisors detailing both the Police Department's and the Department of Parking and Traffic's costs associated with street fairs for the past year. Attached is the report for 1999. [The attachment is not included in this report. Please contact the department for a copy.] The report has been sent to the Board of Supervisors. We are sending you a copy of the report for Public Documents Section.

The events covered in this report are those that are specifically billed on the basis of Section 806 that stipulates Police Department costs are to be billed at 40% of the actual cost to the Police Department with a ceiling of \$2500. Other street closures

such as athletic events, corporate events, parades and demonstrations are not included in this report as they are governed by other sections of the Municipal or Traffic codes.

There may be other non-recovered costs associated with these events due to services provided by other City agencies such as the Department of Public Works, the Department of Public Health, MUNI, Recreation & Park, and the Fire Department. However, there is no requirement to track these figures.

A similar report will be generated for the year 2000 within the next few months.

Michael Hennessey Sheriff Office of the Sheriff Board of Parole December 26, 2000

On behalf of Kevin Foster, the Executive Director of County Parole, who is absent from the office this week, I write in response to your letter of December 14 in which you request a response to the Civil Grand Jury's report on Neglect of Reporting Requirements.

According to the chart provided by the Civil Grand Jury, the Board of Parole Commissioners has no reporting requirements. We agree.

Diane Lim Chief of Administration and Finance Planning Department November 13, 2000

In response to Neglect of Reporting Requirements, please find the following reports: [The reports are not included in this report. Please contact the Planning Department to obtain copies of the report]

- 1. PL 313.13 (Annual Affordable Housing Report 2000 Housing Presentation to the Planning Commission)
- 2. PL 701.2 (Biennial Commercial Zones 1999 Commerce and Industry Inventory)
- 3. AC 10E.3 (Quintennial-1994 Downtown Plan)
- AC 2A30 (AC, 2A.51 Executive Branch Annual Report, 1995-96 Latest Edition)

The Planning Department is currently in the process of compiling the 1999-2000 Annual Report, and we will submit a copy to your office when it becomes available.

Diane Lim Chief of Administration and Finance Planning Department May 22, 2001

Detailed below is the status of the implementation of the recommendations of the 1999/2000 San Francisco Civil Grand Jury.

- 1. PL 313.13 (Annual Affordable Housing Report-2000 Housing Presentation to the Planning Commission)
- PL 701.2 (Biennial Commercial Zones-1999 Commerce and Industry Inventory)
- 3. AC 10E.3 (Quintennial -1994 Downtown Plan)
- 4. AC 2A30 (AC 2A.51 Executive Branch Annual Report, 1995-96, Latest Edition)

On November 13, 2000 the reports listed above were forwarded to the Honorable Alfred G. Chiantelli, Presiding Judge of the Superior Court; Gil Brigham, Foreman, 1999/2000 Civil Grand Jury; and the County Clerk's Office, City Hall Room 168.

Fred H. Lau Chief of Police Police Department May 17, 2000

At my direction, staff has reviewed the Grand Jury's interim report regarding the Police Department's responsibilities to file specific reports with the Public Library's Document Desk.

The Police Department agrees that the report requirements and report status are correct. The reports required by Traffic Code section 100.1(d)(3), however, are no longer required since the ordinance sunset on December 31, 1999. To our knowledge, there are no other requirements.

The Police Department intends to fully comply with San Francisco Administrative Code section 8.16. To that end, I have directed appropriate Bureau Chiefs to complete specific reporting tasks in a timely manner. A copy of my memorandum is enclosed. [The document is not included in this report. Please contact the department to obtain a copy.]

Fred H. Lau Chief of Police Police Department October 16, 2000

The Police Department has previously responded to the Civil Grand Jury regarding the Department's reporting requirements. With one exception, the Department's initial response remains the same.

Municipal Police Code section 2.2 establishes a mechanism for reporting each type of fee collected by the Department and costs incurred in providing the services for which the fee is collected. Section 2.2 requires that the Department report specified information to the Controller by April 1st of each year pursuant to the provisions of section 3.17 -2 of the San Francisco Administrative Code.

In 1997, San Francisco Administrative Code section 3.17-2 was repealed. It is the Department's position that the repeal of section 3.17-2 effectively terminated the Department's responsibility to formally report the information required by Police Code section 2.2.

Douglas F. Wong Executive Director Port of San Francisco October 13, 2000

The Civil Grand Jury found that copies of the Port's Annual Report were sent to the Mayor's office and the Library but not to the Board of Supervisors. The Port's Public Relations Manager have since mailed copies of the annual report to the Clerk of the Board and will continue to do so pursuant to Administrative Code, Section 8.16.

With regard to the Mission & Goal Statements, the Port's Director of Finance & Administration has complied with that requirement. The Mission & Goal Statements are included in the Port of San Francisco's budget book, which is sent to the Mayor, Board of Supervisors and the Public Library.

Douglas F. Wong Executive Director Port of San Francisco May 25, 2001

Port staff will continue to send copies of the Port's Annual Report as well as the Port's Mission & Goals Statements which is incorporated into the Port's budget book to the Mayor's Office, to the Board of Supervisors and to the Public Library. In addition, Ben Kutnick, Director of Finance, has indicated that the Mission & Goals Statements will be posted on the Port's website at www.sfport.com. Renee

Dunn, Public Relations Manager, will also inform the public through the Port's website that the annual report is available at the Public Library as well as in the Port offices.

Jeff Brown Public Defender Office of the Public Defender January 2, 2001

In response to the Grand Jury Recommendations that a response is required from the Public Defender, I would concur with Recommendations in the Juvenile Justice section. I would also state that the Office of the Public Defender is in compliance with the Annual Report requirement set forth in Section 8.16 of the Administrative Code.

Kimiko Burton Public Defender Office of the Public Defender June 18, 2001

The Public Defender's Office is in compliance with section 8.16 of the Administrative Code. Our 1999-2000 Annual Report is on file with both the Library and the Clerk of the Board of Supervisors.

Karen Cohn Director Childhood Lead Prevention Program Children's Environmental Health Promotion Section Department of Public Health November 15, 2000

It is our program's intention and responsibility to issue and disseminate two copies of all required reports to the Documents Department of the San Francisco Public Library. Our program is aware of reporting requirements for the Director of Health, the Lead Poisoning Prevention Citizens Advisory Committee and the Lead Hazard Reduction Citizens Advisory Committee, and will seek to answer all content pertaining to these three entities. In the past, when scheduled to present the Director's Annual report to a Board Committee, it is not clear if reports were sent through the Board of Supervisors Clerk rather than to an individual Supervisor. We will do so in all future reports.

Childhood Lead Prevention Program, Admin. Code, 72.2

Relocation Assistance for Lead Hazard Reduction; no report is required. Most current report: n/a

Childhood Lead Prevention Program and Public Health Department Code 1609

States that annual report is required from Health Director to Board of Supervisors describing the efforts of all City agencies pursuant to this ordinance.

Most current report: November 12, 1998 (second report produced)

- Will be sent to Clerk of Board of Supervisors to complete files.
- Will be sent to Government Documents Desk of Main Library to complete files; 95/96 report is already on file.
- Web/other location: 1998 report is on DPH web site, under LEAD.

Explanation: Report preparation and presentation cycle takes most of a year to get city agencies' submittals and responses to Director of Health recommendation, feedback on draft report from Lead Poisoning Prevention CAC, followed by scheduling for oral presentation to Health Commission and Board of Supervisors committee. Therefore, report has not been produced annually, as there would be no time for agencies to implement Director's recommendations. Next report is currently in production, with anticipated issuance in Spring 2001.

<u>Lead Hazard Reduction Citizens Advisory Committee (CAC), Health Code, 1608</u> (a)(ii)

States that annual report is required to Board of Supervisors with recommendations on controlling lead hazards in housing, as specified by the Code.

Most current report: Last proposed legislation (which serves as the CAC's report) submitted for Board of Supervisors approval was current SF Building Code Section 3407, Work Practices for Exterior Lead-Based Paint, and revision of sunset provisions in SF Health Code Sections 1615 and 1616.

- Will not be sent to Clerk of Board of Supervisors as codes are part of public record.
- Will not be sent to Document Desk of Library as codes are part of public record.
- Web/other location: All lead-related legislation is referenced on DPH web site, under LEAD; CAC minutes and agendas are posted as part of Sunshine requirements.

Explanation: this committee has submitted four legislative packages or revisions (in lieu of an annual report) for adoption by the Board of Supervisors, beginning in 1996. A fifth and final package is now being drafted for proposal to the Board, to create a standard of care for presumed lead paint on the interiors and exteriors of pre-1979 buildings.

<u>Lead Poisoning Prevention Citizens Advisory Committee (CAC), Health Code</u> 1607 (c)(1)

States that annual report is required to Board of Supervisors to review the progress of the implementation of the provisions of Article 26.

Most Current report: 94/95 (sole report produced)

- Will not be sent to Clerk of Board of Supervisors due to dated nature of the report.
- Document Desk of Library has 94/95 report on file.
- Web/other location: Not included on DPH web site due to dated nature of the report. CAC minutes and agendas are posted as part of Sunshine requirements.

Explanation: The Lead Poisoning Prevention CAC made a conscious decision after 1995 to participate in preparation of the Director of Health's annual report in lieu of preparing a separate and redundant annual report. The CAC subsequently uses the Director's report to call on each City agency named to attend a specific monthly CAC meeting devoted to reviewing that agency's progress on DPH recommendations.

Public Health Department, Health Code, 1622

States that biannual report on lead tests must be generated for public record.

Most current report: Data reports for specific time periods are generated on request; see DPH 1998-99 Annual Report, pg.54 for example of SF children ages 0-5 screened and reported with elevated blood lead levels from 1991-98.

- Will not be sent to Clerk of Board of Supervisors to complete files as DPH Annual Report with relevant lead testing data is already sent to the Board.
- The in-depth data report including lead levels from 1991-97 and environmental sources will be sent to Government Documents Desk of Main Library to complete files.
- Web/other location: 91/97 data report is given on DPH web site, under LEAD.

Explanation: While DPH can issue biannual data on lead testing that has been reported to the Childhood Lead Prevention Program, there are significant inaccuracies and misperceptions possible from the available data. There is no current requirement for laboratories to provide results of all lead tests ordered, only those tests greater than or equal to 25 micrograms per deciliter, which is significantly greater than the current level of concern for children (10 mg/dl). If universal data capture would occur, we are still limited by the low percentage of eligible children who receive lead testing (estimated less than 20% of target population), and whether these children are representative of the children at highest risk.

Controller, Health Code, 1635 (d)

States that annual report on Comprehensive Lead Poisoning Fund must be sent to Mayor, Board of Supervisors and Health Director.

Most current report: No report has been generated. Because no fund was ever set up and there doesn't appear to be a need, the Controller will recommend the deletion of this code section.

Explanation: Very few funds have ever been generated that fit the intent of this Fund, and therefore no fund has been established. (1) Less than \$200 a year is generated as civil penalties obtained from enforcement of this article; (2) No Proposition 65 enforcement awards have been received to date; (3) \$100 has been made as a donation supporting the program. and is deposited in a SF Public Health Foundation account (balance \$90 after administrative fee).

Upon hire, the Secretary staffing the two Citizen Advisory Committees is oriented by the Program Manager and the Deputy City Attorney as to Sunshine Ordinance and other public record requirements. All monthly CAC meetings are taped, to be made available to the public by request. CAC minutes and agendas are routinely posted on the DPH web site and with the Government Records part of the Main Library.

This report will be circulated to all staff members of the Childhood Lead Prevention Program (now within the Children's Environmental Health Promotion Section).

Karen Cohn Director Childhood Lead Prevention Program Children's Environmental Health Promotion Section Department of Public Health May 29, 2001

We have sent all public meeting and public reports to the Public Library Government Documents desk. We will continue to do so, and all staff are trained and oriented to this responsibility. The clerk responsible for minute taking of Citizen Advisory Committees is well aware of these responsibilities. Replacement at turnover will be trained and oriented to same responsibilities. Dissemination to staff has occurred in periodic staff meetings, and will be reinforced annually by memo to staff.

Doug Kern Hazardous Materials Advisory Committee Co-Chair Environmental Health Management Department of Public Health August 1, 2000

In its report, the Grand Jury concludes that many San Francisco departments, boards, commissions and other agencies have failed to prepare required reports and to send such reports to the Documents Department of the San Francisco Public Library as required by law. Specifically, the Interim Report concludes that the Hazardous Materials Advisory Committee ("HMAC") has not filed a current annual report with the Clerk of the Board of Supervisors or with the Public Library. Additionally, the Interim Report concludes that the HMAC does not have a web page as required by the Sunshine Ordinance.

In response to the report, the HMAC would like to make the following clarifications. First, the HMAC has had tremendous difficulty ensuring a quorum of its members at its monthly meetings. In fact, the HMAC had only a single quorum during the period from June 1999 to June 2000 and that quorum was achieved on June 1, 2000. The HMAC was neither been able to approve its minutes nor take formal action of any kind during that time period. For that reason, the HMAC has been unable to prepare a current annual report.

On March 24, 2000, Mayor Brown signed an amendment to the HMAC's enabling legislation that reduced the HMAC's quorum requirement from eleven to eight. Consequently, the HMAC believes that it will now be able to reach a quorum at its monthly meetings on a more regular basis. From this point forward, the HMAC members intend to take the formal action necessary to prepare required reports.

Second, the HMAC disagrees with the conclusion of the Interim Report that the HMAC does not have a web page. In fact, the HMAC has two web pages. The first is linked to the Department of Public Health's web page. The second is the committee's independent website.

- The DPH site URL is http://www.dph.sf.ca.us/ehs/toxics/HMAC%20mtngs/HMAC_index.htm.
- The SFHMAC's independent website appears at http://www.ladue.com/hmac.html.

Sue Cone Program Manager Hazardous Materials Unified Program Agency Department of Public Health May 8, 2001

This memorandum serves as our follow-up response to the 1999-2000 Grand Jury Report regarding findings of neglect of reporting requirements for the Hazardous Materials Advisory Committee (HMAC).

A written response dated August 1, 2001 and signed by Mr. Doug Kern, Co-Chairperson of the HMAC was sent directly to the office of the Grand Jury. A Standard Operating Procedure (SOP) had been developed that addressed the reporting requirements and a database had been developed to track them. However, at the HMAC meeting of 4/5/01, the committee voted to disband, and so the SOP as well as the database are no longer relevant.

Charlene Clemens, MPA
Chair
Maternal, Child and Adolescent Health Advisory Board
Children, Youth and Families Section
Department of Public Health
January 12, 2001

Please be advised that the Maternal, Child and Adolescent Health (MCAH) Board complies with all Sunshine Ordinance.

Notices of meetings with an agenda are not only sent to the San Francisco Public Library but also to the Board of Supervisors and the San Francisco Health Commission. Minutes are on file at the Department of Public Health, MCAH and notice of same is on the back of each copy, citing the MHB web page to obtain agenda and minutes. Additionally, the Government Information Center is listed and a number is listed at the MCAH office to obtain a copy of these documents.

Rajiv Bhatia, MD, MPH Director Occupational and Environmental Health Department of Public Health October 2, 2000

The Department of Public Health, Occupational Safety and Health section was forwarded a copy of the Final Report of the 1999-2000 Civil Grand Jury report on behalf of the Video Display Terminal Advisory Committee. To the best of our knowledge, the last meeting of the VDT Advisory Committee occurred in March 1998, the last annual report was produced in 1996, and the terms of appointment

for all members of this committee have expired. Ms. Claire Zvanski was the designated chair of the committee at the time of the last meeting.

Susan Hildreth Acting City Librarian San Francisco Public Library June 23, 2000

Thank you for giving the San Francisco Public Library the opportunity to respond to the 1999/2000 Civil Grand Jury Report "Neglect of Reporting Requirements". The Library is responding to Finding (1) and Finding (4) of the Recommendations section of the report. The Library's response follows per Penal Code Section 933.05.

Finding (1)

The Library is responding on behalf of three separate agencies: Bay Area Library and Information System Advisory Board, Public Library Commission, Public Library Department.

The Library concurs that the listed report requirements are correct.

The Library concurs that the report status for all reports is correct.

The Library does not believe any requirements have been omitted.

The Library intends or has sent the required reports to the Documents Department.

The Library's plan to update the status of reports is as follow:

Bay Area Library and Information System Advisory Board: The 97/98 and 98/99 fiscal reports for the Bay Area Library and Information System have been forwarded to the Documents Department. These reports are sent to the City Librarian's Office; and copies received in the future will be forwarded to the Documents Department when received.

Public Library Commission: Although no specific reports were noted as missing from the Library Commission, it should be noted that all Library Commission agendas and minutes are available in the Documents Department and on the Library's website.

Public Library Department: It is correct that the Library has not prepared an annual report since 1995/96. The Library does anticipate issuing an annual report for 1999/2000 and future years. The Library is already required by the California State Library to produce an annual report titled, California Public Library Report–San Francisco. This report contains information that is very similar to the contents of an annual report as well as detailed statistics about the Main Library and Branches that the public would find useful. The Library intends to use these reports to serve as our annual report for the City's reporting requirements. The Library has provided

the Documents Department with two copies of the California State Library report for fiscal year 1998/99 and will send previous years as well. The Library will also provide the Documents Department with copies of any local annual reports that are produced by the Library.

All staff responsible for major programs and activities in the Library have been made aware of the reporting requirements. The Library intends to fulfill all reporting requirements in the future.

Susan Hildreth City Librarian San Francisco Public Library May 21, 2001

Recommendation #1 re required documents:

Bay Area Library and Information System Advisory Board (BALIS) - The Government Information Center has received the 97/98, 98/99 and 99/00 BALIS General Purpose Financial Statements and Independent Auditor's Report. The Library will continue to supply these reports, when received, to the Government Information Center.

Public Library Commission - The Secretary of the Library Commission forwards all agendas and minutes of the Library Commission to the Government Information Center; and they are received, posted and bound and cataloged on a regular basis.

Public Library Department - The Library provides the Government Information Center with a copy of the California Public Library Report, which the San Francisco Public Library is required to file annually with the California State Library. The 1999/2000 report is not yet compiled by the State Library, but will be forwarded to the Government Information Center when it is completed. These reports will be provided on a regular basis to the Government Information Center.

Recommendation #2 re procedures to ensure that documents are properly handled:

A listing of documents that must be forwarded to the Government Information Center has been included in operating files in the City Librarian's Office.

Recommendation #3 re dissemination to staff:

This procedure has been reviewed with Library Administrative staff and, in particular, the City Librarian's Management Assistant.

Michael T. Burns General Manager Public Transportation Department June 19, 2000

I am pleased to respond to the sections of the 1999-2000 grand jury report on Neglect of Report Requirements that relate to the San Francisco Municipal Railway (Muni) and the new Municipal Transportation Agency (MTA). In accordance with Section 933.05 of the California Penal Code, this letter will respond to the grand jury's finding and recommendations.

We agree that Muni has not filed two copies of all public documents with the Public Library. The new MTA Board came into effect only on March 1, 2000 and it has not yet published any such documents.

Recommendations:

- We agree that the listed report requirements are correct.
- We agree that the report status is correct.
- We are not aware of any additional reporting requirements that are not listed on the matrix.
- We intend to comply with Administrative Code Section 8.16 by sending the appropriate material to the Public Library.

In order to ensure that Muni and the MTA comply with these requirements in the future, we will add the Public Library to our mailing lists for all of our published documents. I have distributed a memo explaining these requirements to my senior staff and assigned the task of sending out an annual reminder letter to one member of my senior staff.

Muni intends to produce the reports noted in the grand jury report and to send copies to the Public Library. Although the section of the Traffic Code (100.1) requiring Muni to file an annual report relating to roller skaters and in-line skaters has passed its sunset date (December 31, 1999), we intend to file one such report as of December 31, 1999.

Michael T. Burns General Manager Public Transportation Department May 21, 2001

Both the Municipal Transportation Agency and Municipal Transportation Commission (formerly the Public Transportation Department and Public Transportation Commission) are in compliance with the City's reporting requirements.

John P. Mullane, Jr. General Manager Public Utilities Commission May 15, 2000

I am writing in response to the 1999-2000 Grand Jury's interim report entitled Neglect of Reporting Requirements. This report states that the Clerk of the Board of Supervisors and the Public Library do not have copies of all PUC Annual Reports and that some other required reports are also missing. Specifically, the Grand Jury report states that the 1993-94 PUC Annual Report is missing from the files of the Clerk of the Board of Supervisors and that the 1996-97 PUC Annual Report is missing from the Public Library files. The other missing reports identified in the Grand Jury report are reports required by Administrative Code Section 8.29(d), Public Works Code Section 250.242 and Public Works Code Section 1203(c). The response of the Public Utilities Commission to the Grand Jury report is as follows:

Annual Report: The PUC regularly submits its Annual Report to the Clerk of the Board of Supervisors. We were not aware that the Board's files were incomplete and have sent another copy of the 1993-94 Annual Report to the Clerk of the Board. We were not aware of the requirement to separately submit a copy of our annual report to the Public Library. The Grand Jury report indicates that the 1996-97 PUC Annual Report is missing. A copy of this report and copies of the 1997-98 and 1998-99 Annual Reports for the PUC have now been sent to the Public Library.

Video Production Fund: Section 8.29 of the Administrative Code establishes a Municipal Railway Video Production Fund. Section 8.29(d) requires that the Public Utilities Commission annually submit to the Mayor, Controller and Board of Supervisors a report showing the total receipts and disbursements of the preceding year together with a description of the items published. In 1994, a Transportation Commission was established to oversee the Municipal Railway. Since the Municipal Railway is no longer under the authority of the Public Utilities Commission, the PUC has not filed a report on the Municipal Railway Video Production Fund.

Transit Costs: Section 250.242 of the Public Works provides for the annual preparation and submission by the Public Utilities Commission of a report on the cost of transit facilities that are part of a special assessment district. In 1994, a Transportation Commission was established to oversee the Municipal Railway. Since the Municipal Railway is no longer under the authority of the Public Utilities Commission, the PUC has not filed a report on the costs of transit facilities in special assessment districts.

Reclaimed Water Use Master Plan Report: Section 1203(c) of the Public Works Code provides for the annual preparation and submission by the Water Department and the Department of Public Works (DPW) of a report on the status and

implementation of the Nonpotable and Reclaimed Water Use Master Plan. In 1996, the Clean Water Program was transferred from DPW to the PUC. It would, therefore, seem reasonable that the responsibility for preparing this report would be with the PUC. Section 1203(a) of the Public Works Code provides that the PUC is not required to adopt a Nonpotable and Reclaimed Water Use Master Plan if environmental review identifies "...significant impacts that cannot be mitigated and a finding of overriding benefits cannot be made." The Public Utilities Commission has not approved the environmental report on the Nonpotable and Reclaimed Water Use Master Plan and has not adopted the Plan pending the resolution of certain unresolved issues. Unresolved issues include the lack of controls on pumping from the ground water basins, the quality of water resulting from blending ground water with Hetch Hetchy water, specific uses for reclaimed water and the allocation of costs for the development of ground water and reclaimed water resources. When these issues are resolved and the Reclaimed Water Use Master Plan has been adopted by the PUC, the annual status reports on the Plan will be prepared and submitted as provided by Section 1203(c) of the Public Works Code.

A list of all required reports, submission dates and recipients is maintained in the office of the Secretary to the Public Utilities Commission. This list has been updated to reflect the report requirements identified in the Grand Jury's interim report. Thank you for this opportunity to respond to the interim report of the 1999-2000 Civil Grand Jury. For your information, the referenced sections of the Administrative Code and Public Works Code are attached. If I can be of further assistance on this matter, please contact me.

Steven Medbery Manager Bureau of Environmental Regulation and Management Public Utilities Commission September 22, 2000

This is the response of the Bureau of Environmental Regulation and Management (BERM, formerly "System Planning, Environment and Compliance") to the recommendations contained in the Final Report of the 1999-2000 Civil Grand Jury, entitled Neglect of Reporting Requirements.

The Industrial Waste Review Board (Board) is one of the agencies listed in the report's Table 1 as being in noncompliance with Municipal Code reporting requirements. The Board was established under Section 131 of Article 4.1, Chapter X, Part II of the San Francisco Municipal Code (Article 4.1). The Board has the power to hear and decide appeals of actions taken by the San Francisco Public Utilities Commission's General Manager. Those actions include the denial, issuance, renewal or modification of wastewater discharge permits; and decisions on applications for variances from the strict application of the requirements of Article 4.1 BERM implements the requirements of Article 4.1 and is therefore associated with the Board's activities.

BERM agrees that the Board's report requirements and status, as listed by the Civil Grand Jury are correct. We do not believe that the Grand Jury has omitted any requirements, and we intend to send annual reports to the library as described below.

The Board only meets in response to appeals of the General Manager's actions, and those occur only rarely. A review of the Board's files revealed that the last recorded meeting occurred on December 2, 1976. Consequently the Board has not been producing annual reports.

BERM does produce an annual report of the Pretreatment Program of the City and County of San Francisco (CCSF). That report is prepared in response to the requirements of the National Pollutant Discharge Elimination System permits issued to CCSF by the State of California Regional Water Quality Control Board (San Francisco Bay Region), and the requirements of the United States Environmental Protection Agency. We intend to establish a section in that report, which incorporates a statement of the activities (or not) of the Board, and includes its "Mission and Goals" statement, as excerpted from Section 131 of Article 4.1. Also, although BERM was not listed in Table 1, we intend to send two (2) copies of our current and future annual reports to the Public Library.

BERM's annual report format has been standardized and the preparation procedure requires that all sections in the previous year's report shall be completed/updated, unless the information has become obsolete. A copy of this letter is being sent to all staff members who are involved in preparation of the annual report, and a copy is being placed in the annual report preparation file. We have also added the Public Library to the mailing list for the annual report.

Edwin M. Lee Director of Public Works Department of Public Works November 3, 2000

- 1. The eight listed reports are correct.
- 2. With regards to the correctness of report status, please note:
 - a. PW, 174.9- Annual Delinquencies A report was sent to the Board of Supervisors and Main Library on August 31, 2000.
 - AC, 6.20(8), 6.60(E), 6.64 Various MBE/WBE Contracting Reports A report was sent to the Board of Supervisors September 1, 2000.
 - c. PW, 707- Sidewalk Repair Revolving Account Report -A report was sent to the Board of Supervisors and the Main Library on September 14, 2000.

- 3. We do not believe the Grand Jury Report has omitted any DPW reporting requirements. It is also our intent to send copies of all existing and future reports to the Library.
- 4. In order to ensure ongoing compliance with the reporting requirements, we will be sending a copy of this letter and final Civil Grand Jury Report to the department Deputy Directors, Bureau Heads and to the individual employees responsible for the report preparation. We have also distributed copies of Section 67 of the Administrative Code, the "Sunshine Law" to all Deputy Directors and Bureau Heads as well as attending several meetings with the City Attorney's office to be briefed on its implementation.

Bill Jones Acting Director of Purchasing Purchasing Department November 14, 2000

There is an organizational matter related to the subject report's observation about departmental annual reports that I would like to bring to your attention. The Purchasing Department is no longer a "department" within the meaning of the Admin. Code's provisions requiring annual reports from departments. This is because Purchasing has become part of the Dept. of Administrative Services. Therefore, the Public Library will receive information about Purchasing as part of annual reports submitted by Administrative Services.

Elizabeth Goldstein General Manager Recreation and Park Department February 6, 2001

The Civil Grand Jury has also requested that the San Francisco Recreation and Park Department, "respond in writing...as to whether or not [this] agency:

- agrees whether or not listed report requirements are correct;"
- agrees whether or not report status is correct;"
- · believes there are any requirements we have omitted;"
- intends to send material to the library." (page 11, Neglect of Reporting Requirements)

In response to the aforementioned inquiries, (and in the same order), the following is the Department's response:

- the Department agrees that the report's requirement is correct;
- the Department agrees that the status of the report is correct;
- the Department believes there are requirements that have been omitted; (see below)

the Department intends to send materials to the San Francisco Public Library.
 (see below)

In reference to the third item, the Department believes that C, 4.103; AC, 1.56 (C, 4.113 exec commission), has been omitted with respect to the report entitled, "the Annual Report." In reference to the fourth item, the Department intends to send the aforementioned annual report to the San Francisco Public Library by March 2001. The Department is in the process of completing the draft report, and was delayed in its delivery of the final product because of a change in the administration, midway through the process.

Lastly, the Civil Grand Jury asserts that, "according to Administrative Code 8.16, two copies of official publications, of city officials, boards, commissions, and departments should be sent within ten days of publication to the San Francisco Public Library." The San Francisco Recreation and Park Department makes every attempt to comply with this administrative code on an ongoing basis.

Robert McDonald Project Manager Recreation and Park Department September 21, 2000

This letter is in response to the Civil Grand Jury's Neglect of Reporting Requirements memorandum dated August 17, 2000. The Report indicated that the Public Library did not possess a copy of the General Manager's Report of the San Francisco Park and Open Space Program for fiscal year 1994-1995. In response to this Report and its findings, the Recreation and Park Department has forwarded a copy of the General Manager's report to the Public Library.

James B. Morales Executive Director San Francisco Redevelopment Agency June 2, 2000

a) Administrative Code Section 8.16 technically does not apply to the San Francisco Redevelopment Agency, a separate public entity created pursuant to state law. However, the Agency will voluntarily comply with Section 8.16.

In Table 1 of its report, the Grand Jury refers to Administrative Code Section 24.3, which requires the Agency to submit a quarterly report to the Board of Supervisors. The Board of Supervisors' Resolutions 330-94 and 654-96 instituted the requirement that reports be submitted to the Board's Finance Committee. The Finance Committee's past files should reflect the receipt of our quarterly reports. The Agency has not filed these quarterly reports with the library or the Clerk of the Board. In the future, the Agency will forward two copies of the report to the public library and a copy to the Clerk's office.

The Agency's weekly agenda is forwarded to the library's document department both by facsimile and by mail. It is posted on our website, at City Hall and in front of our offices at 770 Golden Gate Avenue. Approximately five hundred copies are mailed weekly to interested members of the public.

The Commission's memoranda related to each agenda item are also posted on our website. Additionally, weekly commission meetings are broadcast live on radio station KPOO 89.5 FM and we have attempted to provide several avenues to keep the general public informed and to make information accessible.

- b) The status report states that quarterly reports are due to the Board of Supervisors pursuant to Section 24.3 of the Administrative Code and that reports have not been submitted to the Clerk of the Board of Supervisors since 1995/96 and to the library since 1992/93. In fact, the quarterly reports have not been submitted to the clerk since 1995/96 but they have been submitted to the Finance Committee for the entire period. The status report correctly reflects that such quarterly reports have not been submitted to the library.
- c) No reporting requirements have been omitted.
- d) Section 8.16 of the Administrative Code requires an annual report and official public documents be filed with the Public Library. As stated in (a) above, the Agency will forward copies of the quarterly reports to the library in the future. The Agency's redevelopment plans, implementation plans, annual budget, purchasing and personnel policies and commission by-laws are the major documents that govern the Agency's program and major internal policies. Two copies of each of these additional documents will also be forwarded to the Public Library.

In the future, we will make certain that copies of these documents are forwarded to the San Francisco Public Library for public review.

Joseph P. Grubb Executive Director Residential Rent Stabilization and Arbitration Board December 22, 2000

Our findings on the sections indicated in the report are as follows:

AC, 37.6 (d)

We are current as noted with this report, however it has not been filed with either the Board or Library.

AC, 37.6 (f)

This has not been done for many years now. Our reading of Section 37.6 states that "...the board shall have the power to: ...", which we construe to be permissive as opposed to mandatory. This is applicable for all the document cited here by the Jury. In any event, given the high profile nature of the department, we are reporting with fair regularity on the status of the department in the course of discussion of housing issues.

AC, 37.6 (j)

We do issue this each year, and the report was the subject of several newspaper articles this year in fact. We do submit this report to the Board of Supervisors each year. We have not submitted this to the library in the past but can certainly do so. We will also include this on the website in the future.

AC, 37.6 (k)

This report is issued monthly and is forwarded to the District Attorney each month. As with most of the reports cited by the Grand Jury, a filing of this document with the Board of Supervisors or the Library has not been done.

C, 4.103; AC, 1.56 (AC, 37.6 exec. Bd.)

The department has no knowledge of the sections cited, other than the section in Chapter 37. As noted, those sections appear to be duplicative and are not applicable as noted in the Grand Jury report.

While we regularly submit minutes and agendas to the Library Posting division, any requirement to submit the above documents to either the Board or Library were unknown to us until now. A question that deserves consideration is just exactly what defines a report as opposed to a "document"? While some reports are obvious, I would submit that other items could well be considered to be less than "reports". I would assume from the reading of the material sent by the Grand Jury that "documents" would not require submission as noted. The Rent Board would appreciate any clarification that the Grand Jury might be able to offer on this point.

Joseph P. Grubb Executive Director Residential Rent Stabilization and Arbitration Board May 29, 2001

The reports we identified as being correct as to requirements are still so. The status of the reports was correct. No requirements appear to have been omitted. Required material will be sent to the library. Requirements will be included in the staff procedure manual for appropriate staff. Staff has been advised of the requirements both verbally and by email.

Carol Kocivar Chair Sustainable Funding for School Arts and Music Task Force

We received your report.

We believe that we are required to issue an initial report and shall issue subsequent reports.

We have not yet issued any reports.

We intend to send a copy to the library when our report is made.

A copy of this letter has been sent to Jessica Ring, who is our liaison from the Board of Supervisors. We have no staff as this is a volunteer committee.

Clare M. Murphy Executive Director Employees' Retirement System June 7, 2001

As indicated in the 1999-2000 Grand Jury "Neglect of Reporting Requirements" the San Francisco Empolyees' Retirement System is in compliance with requirements regarding submitting of an Annual Report to both the Board of Supervisors and Document Desk of the Library.

Our records indicate that the San Francisco Empolyees' Annual Report has been sent to the Clerk of the Board of Supervisors and the Document Desk Library files for the 1998 and 1999 fiscal years.

Michael Hennessey Sheriff Office of the Sheriff October 3, 2000

Disagree. An annual report by the Sheriff's Department is not required by either the Charter or the Administrative Code. It is the Sheriff's belief that the annual report is a waste of time and money, since annual reports are rarely read by anyone outside of the agency producing them and amount to little more than puffery for the agency. The report of the Inmate Welfare Fund is submitted to the Board of Supervisors each year and is posted prominently in all housing areas of the jails. Since the Civil Grand Jury found no reports on file at the Board of Supervisors since 1997/98, we will endeavor to provide replacement copies. The biennial Board of Corrections report on the jails is compiled by that agency, not by the Sheriff's Department. It is the responsibility of the Board of Corrections to comply with City reporting requirements. There is no current requirement to file a customer service report.

Michael Hennessey Sheriff Office of the Sheriff May 25, 2001

Disagree.

Paul V. Horcher Director Solid Waste Management Program September 13, 2000

Today, in full response to the subject memorandum, the 1998 update to the Hazardous Waste Management Plan, was hand-delivered to the document desk of the San Francisco Public Library.

Sonia Melara Executive Director Commission on the Status of Women August 29, 2000

This is to confirm that the Commission and the Department on the Status of Women have complied with the distribution of missing reports as outlined in the Neglect of Reporting Requirements report released by the Grand Jury in April of this year.

Our department forwarded copies of all reports to the San Francisco Public Library's Documents Desk and to the Clerk of the Board in April of this year. Hilda R. Bernstein
Chair

Sunshine Ordinance Task Force November 15, 2000

The reconstituted Sunshine Ordinance Task Force:

- Acknowledges that in the past Annual Reports were not consistently filed.
 Effective for the Year 2000, the Sunshine Ordinance Task Force is committed to filing Annual Reports.
- Concurs that the Grand Jury report is correct.
- Is unaware of any requirements that have been omitted.
- Will file annual reports effective year end 2000.

Gloria Young Clerk of the Board Board of Supervisors April 24, 2000

The Board of Supervisors/Clerk of the Board does not publish an annual report and therefore does not need to comply with Administrative Code Section 8.16. In addition, the Assessment Appeals Board (Board of Equalization/Tax Appeal Board) does not issue an annual report. The Youth Commission does issue an annual report pursuant to City Chapter Section 4.124(g). Youth Commission annual reports have been distributed to the individual members of the Board of Supervisors and the Clerk of the Board. A file copy had not been officially filed in the Clerk's Office. This omission has been corrected as of April 17, 2000. The Sunshine Ordinance does not require the Sunshine Ordinance Task Force to prepare an annual report. City Charter Sections 4.102, and 4.103 do not apply to the Legislative Branch of the City and County of San Francisco.

The Civil Grand Jury has made recommendations for Board of Supervisors consideration as listed on pages 13, 14, and 16 (Findings (6), (7), and (9). Each Supervisor received a copy of the Interim Civil Grand Jury report from the Civil Grand Jury under separate cover. The Board of Supervisors may hold a hearing on any issue in the report and suggest recommendations.

Finding (1) on page 10 requests that all agencies respond to the requirement of Administrative Code Section 8.16 which states that two copies of all public documents be filed with the Public Library. It is my understanding that documents produced by the Office of the Clerk of the Board are forwarded to the Public Library.

Inspector Farrel Suslow Acting Commission Secretary Taxicab Commission San Francisco Police Department January 5, 2001

Please be advised that that the Taxicab Commission routinely sends copies of agendas and minutes to the San Francisco Public Library and as of July 2000 began posting the agendas and minutes on the internet through the city's WebMaster. The Commission is still in the process of preparing its first Annual Report and will forward copies to the Library and WebMaster upon completion.

Inspector Farrel Suslow Acting Commission Secretary Taxicab Commission San Francisco Police Department May 14, 2001

Question #1: I do not have a current copy of the report and am unsure of what the report said about the Taxicab Commission. However, please be advised that we have sent our agendas to the Library since the initial forming of the Commission in March of 1999 and have posted our agendas and minutes on the Commission Website since July of 2000.

Question #2: The Commission currently has no full time staff. Upon the hiring of full-time staff, the Deputy City Attorney assigned to The Commission and I will brief the new hire on the requirements.

Question #3: We have no staff.

Liza M. Lowery
Executive Director
Department of Telecommunications and Information Services
October 13, 2000

Although the Department of Telecommunications and Information Services (DTIS) is a new City department, formed just three years ago, we are making steady progress implementing a series of systems and processes to provide management tools required to effectively run a City department. Coincidentally, these tools will also enable DTIS to meet reporting requirements, such as those addressed in your Grand Jury report. This letter serves as a response to that report. The areas that apply to DTIS are underlined, followed by our response.

DTIS and Telecommunications Commission Annual Report/Statement of Purpose (AC 2A.30, C4.103, AC 1.56.)

On page T1-41 and T1-42 of the report, the table shows that the Grand Jury did not locate an annual Statement of Purpose for the Telecommunications Commission or DTIS. On page A-2, #3 of the report, the Grand Jury states that it makes the most sense for those commissions that are part of a department to be included in that department's annual report. We agree with this analysis, and have included our Commission in our previous summary report, included in the Mayor's annual budget. This summary report includes a mission (statement of purpose), accomplishments and objectives, and a detailed description of our annual budget.

Additionally, upon the first anniversary of my appointment as Executive Director in September, I presented a '99-00 annual report to the Telecommunications Commission. The Telecommunications Commission's major accomplishments are

included in this report. A copy of the report has been forwarded to the San Francisco Public library, Board of Supervisors, and Mayor, and is attached hereto. Commencing '00-01, DTIS will provide a more comprehensive annual report.

DTIS, Biennial Franchise Compliance (AC 11.44.)

On page T1-42 of the report, the table shows that the Grand Jury did not locate a Biennial Franchise Compliance report for DTIS.

In 1997, the cable television franchise was transferred from Viacom to TCI. In 1999, the franchise transferred again, to AT& T; both of these transfers required performance audits of the franchisee. They also required the approval of the Board of Supervisors and the Mayor in the form of an ordinance. Therefore, we partially disagree with this finding based upon the above information. It is our opinion that these actions comply with this requirement. DTIS will ensure that the transfer ordinances are made available to the Public Library. It is our intention to audit franchise compliance in accordance with code.

DTIS, Implementation Report (AC 22B.3)

On page T1-42 of the report, the table shows that the Grand Jury did not locate an Implementation Report for DTIS.

Administrative Code (AC) 22B.3 states that, "(t)he General Manager of the Department of Telecommunications shall provide the Board of Supervisors with a detailed plan for implementing the telecommunications program."

We disagree with this finding because the requirement was enacted before the creation of DTIS and applies to a department that no longer exists. It is our opinion that this reporting requirement is superceded by the AC (Article III) creating DTIS, its advisory Telecommunications Commission, and the requirement to "develop a Telecommunications Plan" (AC 11.54.F.) DTIS expects the Telecommunications Plan to be completed and forwarded to the Board of Supervisors and the Mayor this year. This plan includes a mechanism for periodic updates.

DTIS Efficiency Plans (Annual Customer Service Plan) (C 16.120, AC 88.4.)

On page T1-42 of the report, the table shows that no Customer Service Plan was located, because the ordinance is not yet in force.

AC 88.4 states that, "(b)eginning 2003 and each year thereafter, the head of each department shall prepare and submit to the Mayor by October 1st and to the Board of Supervisors by November 1st a departmental efficiency plan. Each plan shall include a customer service element . . .".

We are pleased to report that DTIS has a preliminary customer service plan and has recently hired a senior-level Customer Service Manager. We are now in the process of expanding and implementing a comprehensive customer service plan.

We agree that this reporting requirement is not out of compliance because the report is not due until 2003.

Liza M. Lowery Executive Director Department of Telecommunications and Information Services June 29, 2001

In response to your memorandum of May 2, 2001, the Department of Telecommunications and Information Services (DTIS) has taken the following steps in accordance with the 1999-2000 Civil Grand Jury report.

Chapter 10, Reporting Requirements, Recommendation #1

DTIS responded in writing to the Civil Grand Jury on all points of this recommendation. A copy of our response, dated October 13, 2000, is attached.

Chapter 10, Reporting Requirements, Recommendation #2

DTIS is incorporating the applicable reporting requirements into the DTIS Policy and Procedures Manual so that staff turnover and other factors do not impact compliance. Newly hired Chief Administrative Officer Chris Vein is responsible for incorporating these requirements into the department's manual. With regard to Franchise Compliance Reports, DTIS Deputy Director Denise Brady is also formalizing and documenting the process for franchise management.

Chapter 10, Reporting Requirements, Recommendation #3

A copy of the Grand Jury report and the applicable sections of the Administrative Code were distributed to my executive staff, i.e. the division heads who are responsible for ensuring compliance with these requirements. Several discussions among this group were held at the department's weekly executive staff meeting. In addition, the reporting requirements, once incorporated into the department's Policy and Procedures Manual, will be available to all employees.

Andrew Nash Executive Director San Francisco County Transportation Authority September 6, 2000

The following reports were distributed to the Board of Supervisors and the Document Desk of the Public Library in response to the 1999-2000 San Francisco Civil Grand Jury's Neglect of Reporting Requirements.

- 1999 Annual Report
- FY 1999/2000 Annual Budget
- FY 2000/2001 Annual Budget

John Rummelsburg Commission Secretary Treasure Island Project October 17, 2000

The Treasure Island Development Authority (TIDA) assiduously submits all TIDA minutes and agendas to the San Francisco Public Library. Minutes and agendas are detailed accounts of the Authority's actions. These minutes and agendas are also posted on the Web at www.ci.sf.ca.us/treasureisland.

However, TIDA may have been remiss in submitting certain other reports to the Library. However, such reports are available on request at our offices in Treasure Island. The Authority and the Treasure Island Project Office are in strong support of such reporting requirements. As to our reporting responsibilities with respect to the San Francisco Public Library, please note the following:

First, the Report states that no report was found for the Treasure Island Development Authority Citizens Advisory Board (TIDA CAB). No report was found for the CAB because no meetings have occurred and no actions have been taken. That is because appointments to the TIDA CAB were just completed in September 2000 and the first meeting of the CAB will be held in early November 2000. You may be assured, however, that each member of the CAB will be informed of its reporting responsibilities under the Municipal Code.

The Report lists three Charter/Code Citations for the Treasure Island Development Authority (TIDA) in which no report was found. The first is the annual report required under the Authority's By-laws. We agree that the Report requirements are correct. The Report states, however, that no report was found. This is incorrect. The Authority determined that the Authority's Annual report should be presented as one of the City's Discretely Presented Component Units and is contained in the "City and County of San Francisco, California, Comprehensive Annual Financial Report". The requisite information on the Authority for 1998/1999 is contained on pages 137 and 138. These reports are typically presented to the Board of

Supervisors by the Controller in November of each year. They are transmitted to the San Francisco Public Library concurrently.

The second instance noted in the Report relates to Section 3 of Board of Supervisors Resolution 380-97 requiring TIDA to make quarterly reports to the Economic Development, Transportation and Technology Committee of the Board of Supervisors. We agree that the Report correctly states the requirements and the status of the Authority's compliance. However, in June 1998, the Executive Director appeared before the above-mentioned Committee and extensively reported on the status of Treasure Island and the actions of the Authority. In addition, on May 4, 2000 the Executive Director submitted an extensive update and Annual Report on the work of the Authority to the Board of Supervisors. Please see Exhibit A which was transmitted to the Library soon after.

Third, Resolution 43-98 required that the Treasure Island Development Authority formulate and adopt rules and procedures governing the transfer of real property, the purchase of goods and services and for the creation of a Citizens Advisory Committee. On March 16, 1998, the Executive Director forwarded three separate resolutions and pertinent rules and procedures approved on February 25, 1998 by the Authority to Supervisor Michael Yaki, then-Chair of the Board of Supervisors' Economic Development, Transportation and Technology Committee. Please see Exhibit B. TIDA agrees that the Report correctly states the requirements. These reports were not sent to the Library. They have been, however, available to the public in two ways -as part of the agenda packet sent to the Library for the February 25, 1998 TIDA meeting and as part of the record of the Board of Supervisors. Concurrent with the transmission of this letter, we will send two copies of the report to the Government Information Center.

Annemarie Conroy Executive Director Treasure Island Development Authority May 23, 2001

We appreciate the opportunity to report on the status of the implementation of the recommendations of the 1999-2000 San Francisco Civil Grand Jury. As you may recall, the Treasure Island Development Authority submitted its response to the findings and recommendations to Judge Chiantelli and Gloria Young in a letter dated October 11, 2000. These address recommendation 1 of the report. I have attached a copy for your information. [The letter is not included in this report. Please contact the agency for a copy.]

The second set of recommendations focuses on the incorporation of reporting requirement into the Authority's procedures. We have done so in the following ways:

- Transmission of the Authority's critical documents to the Documents Section of
 the San Francisco Public Library: All staff have been informed that copies of
 such documents be sent to the Document Center. This is, of course, in addition
 to the posting of the documents and all Treasure Island Development Authority
 minutes and agendas on our website, http://www.ci.ca.us/treasureisland.
 Subsequent to our response, we sent copies of our Request for Proposal for a
 master developer for Treasure Island to the San Francisco Public Library.
- 2. Development and dissemination of required reports: The Commission Secretary, the staff delegated to compile such reports, has been informed that such is required. It has been added to the job description for that particular position.
- 3. The reporting requirements of the Treasure Island Citizens Advisory Board (TICAB): The TICAB had not yet convened its first meeting when the Civil Grand Jury issued its report. Since that time, however, the Committee has met and its meetings are held in conformance with the Brown and Sunshine Acts. Its Secretary and pertinent staff have been made aware of its reporting responsibilities.

The third set of recommendations focuses on the dissemination of reporting requirement to staff. For the most part, this has been done as described in the above section 2. The Authority's staff totals 11 full time employees, enabling quick and first-hand dissemination of critical requirements. To emphasize the staff assignments for implementing the requirements, I am distributing copies of the Civil Grand Jury's report, our October 11, 2000 response and this report to each staff member.

Public availability of the work of the Authority is important to the Authority. The incorporation of the aforementioned procedures will increase the availability of the documents while making their dissemination the regular responsibility of staff. Thank you for the opportunity to respond to this important report.

Susan Leal Treasurer Office of the Treasurer & Tax Collector April 26, 2000

I recently became aware that the Office of the Treasurer & Tax Collector has failed to file copies of some official, published reports with the San Francisco Public Library as required by San Francisco Administrative Code Section 8.16. I apologize for this omission; to rectify it, I have enclosed two copies of each of the following reports:

 Bureau of Delinquent Revenue Quarterly Report (authorized by Admin. Code Sec. 10.42) -December 1996 through March 2000 (most recent) • Tax Credit Annual Report: (authorized by Business and Tax Regulations Secs. 906(B)(f), 906(C)(t), & 1005.6(t)) -1994 through 1999 (most recent)

The San Francisco Municipal Code directs this Department to publish three additional public reports that must also be filed with the Library:

- 1. Copies of the current (1998-99) Department Annual Report (Admin. Code Secs. 2A, 30) are already in your collection.
- 2. The requirement to file a Customer Service Plan (SF Charter Sec. 16;120) is not yet in force. When this document has been created, copies will be sent to you.
- Reports regarding assessment bonds (Public Works Code Sec. 250.393) have not been created in the last several years. We are in the process of preparing these reports for all appropriate years; upon completion, copies will be sent to you.

Thank you for your patience as we correct these oversights. Division managers have been notified that copies of all future versions of the above reports shall be sent to the Library to your attention.

Susan Leal Treasurer Office of the Treasurer & Tax Collector May 9, 2000

I recently received the Interim Report of the 1999-2000 San Francisco Civil Grand Jury, entitled "Neglect of Reporting Requirements." The report indicated that the Office of the Treasurer & Tax Collector had failed to file copies of certain official, published documents with the San Francisco Public Library (SFPL) as required by San Francisco Administrative Code Section 8.16. This letter is my official response to the report according to California Penal Code Section 933.05.

- I agree with the findings of the Grand Jury that the Office of the Treasurer & Tax Collector is obligated to provide two copies of each official, published report to the SFPL.
- I further agree that the five documents (listed below) in Table 1 of the report
 fall under the requirements of Administrative Code Sec. 8.16 (Treasury
 Oversight Committee documents are administered by the Office of the
 Controller). The status of each document indicated in Table 1 is also correct as
 written, with one exception: the 1998-1999 Department Annual Report
 (described in Admin. Code Sec. 2A.30) is the most current version of this
 document.
- I have acted to rectify the omissions listed in the report by delivering the following documents to the SFPL (documents listed by charter/code citation):

- Admin. Code Sec. 2A. 30: Annual Report -The 1998-99 report was submitted to the Clerk of the Board of Supervisors and the SFPL. As noted above, this is the most current report.
- Admin. Code Sec. 10.42: Bureau of Delinquent Revenue BDR Quarterly Report - The January 2000 report was located in the files of the Clerk of the Board of Supervisors, but the SFPL had not received copies. I have now submitted two copies of each BDR Quarterly report from December 1996 to March 2000 (now the most recent report) to the SFPL.
- 3. Business and Tax Regulations Code Sec. 906(B)(f), (C)(f); BTC 1005.6(f): New Jobs and Summer Youth Employment Tax Credit Reports -The Business Tax Division prepares and sends an annual report to the Board of Supervisors regarding all tax credits (the two listed in addition to the Garment Manufacturers and Enterprise Zone Tax Credits). The most recent (1998) report was submitted to the Clerk of the Board, but not to the library. I have sent two copies of each annual tax credit report for the years 1994 through 1998 to the SFPL.
- 4. Public Works Code Sec. 250.393: Improvement Procedure Code Bond Issue Reports -This annual report has not been produced in the last several years, and was not found by the Grand Jury in the files of the Clerk of the Board or in the SFPL records. My staff is working with the Department of Public Works to determine whether this document should be currently updated. Following that determination, copies of any published report will be sent to the SFPL.
- 5. SF Charter Sec. 16.120: Admin. Code Sec. 88.4: Departmental Efficiency/Customer Service Plan -Beginning in 2003, recent legislation by the Board of Supervisors will require all departments to prepare an annual departmental efficiency plan, containing a customer service element, a strategic planning element, and a performance evaluation element. The Grand Jury notes that this requirement is not yet in force. When the plan is submitted to the Board of Supervisors, copies will be sent to the SFPL.
- The Office of the Treasurer & Tax Collector maintains one additional public report not mentioned in the Grand Jury Report that must be submitted to the SFPL; namely, a monthly report of investment activity during the current fiscal year. Copies of the most recent report were delivered to the SFPL.
- I have instructed managers who oversee the production of the listed reports for the Office of the Treasurer & Tax Collector, reminding them of the obligation to submit copies to the SFPL, as provided by law, and giving them the correct address to do so.
- The requirements of Admin. Code Sec. 8.16 have been incorporated into the Department's Records Retention Policy.

The Office of the Treasurer & Tax Collector will make every effort in the future to remain in compliance with Admin. Code Sec. 8.16 and all other local, state, and federal regulations. Thank you for bringing this issue to my attention.

Susan Leal Treasurer Office of the Treasurer & Tax Collector November 2, 2000

- As stated in my response to the Interim Report of the Grand Jury, I agree with
 the finding that Section 8.16 of the San Francisco Administrative Code
 obligates all City and County agencies to provide two copies of all official,
 published reports to the San Francisco Public Library (SFPL).
- I further agree that Table 1 in this section of the Final Report accurately reflects the current status of the documents provided by the Office of the Treasurer & Tax Collector to the SFPL.
- According to Table 1, the most current official, published reports required by statute to be produced by the Office of the Treasurer & Tax Collector have been appropriately delivered to the appropriate recipient and the SFPL, with the exception of one: an annual report on Limited Obligation Improvement Bonds (Public Works Code Sec. 250.393). Although the Public Works Code states that "the Treasurer shall cause [the Improvement Bond report] to be prepared annually," this document is at present prepared by the Office of the Controller. I have contacted the Controller to ensure that this report will continue to be produced and that copies are appropriately submitted to the SFPL.
- Additionally, I want to clarify the status of two entities in Table 1 that are listed separately from and not administered by the Office of the Treasurer & Tax Collector. The City Administrator oversees the Business Tax Board of Review, and the Treasury Oversight Committee is chaired by the Controller. I have contacted these officials to verify that they have delivered copies of the reports listed under these entities in Table 1 to the SFPL and other required recipients.

Jason Weiner Special Assistant to the Treasurer Office of the Treasurer & Tax Collector May 29, 2001

I have attached an electronic copy of the letter, dated November 2, 2000, that was sent by the Treasurer in response to the Final Report of the Civil Grand Jury. [See response above.] The letter states the Treasurer's agreement with the findings of Chapter 10 ("Neglect of Reporting Requirements") and notes that the reports listed had been provided to the appropriate recipients as required. In addition, the department units that produce these reports have been notified of their responsibility to forward copies of all public documents to the San Francisco Public Library, and the reporting requirement has been incorporated into the department's draft Records Retention Policy (which is currently pending review by the Office of the City Attorney).

Also, as noted in the letter, the Treasury Oversight Committee is chaired by the Controller. As a copy of the memorandum addressed to the committee was addressed to the Treasurer, I have forwarded it to the Office of the Controller for response.

Leonard M. Grube Secretary Veterans' Affairs Commission

Charles K. Coolidge. Jr. Vice-President Veterans' Affairs Commission October 2, 2000

Apart from very minor issues, the Commission agrees with the finding. The Grand Jury failed to locate the commission's website, which has been active for over a year. Two officials from Australia's Veterans Department found the Commission and made contact in September 1999 from the web site.

The Commission has and will implement all of the recommendations of the Grand Jury, subject only to the vicissitudes and incapacities of the members themselves. Since receipt of the initial report, appropriate copies of minutes and agendas have been delivered to the Government Documents Section of the Public Library in a timely fashion. The files of the Library have also been augmented by back copies of these documents to January 1999.

There was no Annual Report for 1999 in existence as of the date of the Grand Jury's report. This lapse, if that it be, may be explained by the vagaries of a time frame for the completion of the report. A report has been completed and approved as of this date.

The members of the commission conduct their business without any remuneration or office support, the preparation of all documents involving personal expense and effort by the membership. Realizing that this situation is not tenable as responsibilities and activities expand, the commission requested the mayor and the board of supervisors to consider correcting this situation in a March 2000 resolution.

However, the neglect observed by the Grand jury was primarily a failure of communication and disorganization in the wake of the ongoing changes. The commission is grateful for guidance of the report and anticipates full and routine compliance with requirements in the future.

Elizabeth Murray Managing Director San Francisco War Memorial and Performing Arts Center September 11, 2000

The War Memorial agrees with the report requirements listed in Table 1 of the Civil Grand Jury report for the War Memorial Board of Trustees, and acknowledges the report status provided in Table 1. The War Memorial and Performing Arts Center has this date forwarded its Annual Report for Fiscal Year 1998-99, including the FY 1998-99 Annual Statement of Purpose of the War Memorial Board of Trustees, to the Document Desk of the Public Library (2 copies), the Office of the Mayor, and the Clerk of the Board of Supervisors.

The Civil Grand Jury's "Neglect of Reporting Requirements" report has assisted us in preparing an internal checklist of the reporting requirements applicable to the War Memorial department including the required reporting frequency and report recipient(s). We have incorporated this checklist into our master calendar of annual responsibilities of the War Memorial Board of Trustees and War Memorial department to insure our complete and consistent compliance with Administrative Code Section 8.16.

Elizabeth Murray Managing Director San Francisco War Memorial and Performing Arts Center June 12, 2001

As stated in my September 11, 2000 letter, we have prepared an internal checklist of reporting requirements applicable to the War Memorial department, and have incorporated this checklist into our master calendar of annual responsibilities of the War Memorial Board of Trustees and War Memorial department. This calendar is maintained by the War Memorial Assistant Managing Director/Executive Secretary to the War Memorial Board of Trustees, and is reviewed on a monthly basis to coincide with regular monthly meetings of the War Memorial Board of Trustees.

Finding: Many People Are Unaware of the Many Report Requirements in the Municipal Codes

Failure of agencies to prepare required reports reduces the potential for policy makers to make fully informed decisions. Interviews with various department personnel indicate a varying degree of knowledge of reports required of their department by the Municipal Code. For instance, several departments were unaware of the requirements of Administrative Code, Section 18.13, regarding reporting of overtime. Other departments were unaware of the annual report requirements of the Charter, Section 4.103, and Administrative Code, Sections 1.56 and 2A.30. Still others, when other report requirements were brought to their attention, noted they should not be required to submit

the information since that information was under the jurisdiction of another department, or that the report requirement should have been changed several years ago following a department reorganization.

Recommendation 4: The Mayor Should Remind All Agencies to Comply with Code Requirements

As noted in Charter Section 3.100, the Mayor is responsible for enforcing all laws relating to the City and County. The Mayor or his designee should send a letter to all agencies reminding them of their duty to be aware of code requirements, as well as his expectations regarding their compliance with Code requirements.

Finding: Many Departments Are Unaware of the Requirement to Send Copies to the Public Library

Interviews with various department heads indicate that many are not familiar with the requirement of the Administrative Code, Section 8.16, to send copies of official documents to the Public Library. For those who were aware of Section 8.16, there was some confusion between this requirement and the requirements of Administrative Code, Section 8.7, which involves sending reports or other materials of historical significance to the San Francisco History Room of the Public Library. The History Room is a different department and on a different floor than the Documents Desk. There also was some confusion regarding exactly how the wording of Section 8.16 ("official published documents") related to the reports required by the Municipal Code.

Library staff report that the Documents Desk is patronized often by members of the public looking for a variety of documents from the City. Having copies of reports in the Public Library provides for a central location. The Public Library is also open at more convenient times than are government offices. Lastly, review of documents at the Public Library is easier if one is reviewing a great number of documents or trying to review reports from different agencies to the same Administrative Code requirement. This reduces undue imposition on the staff of the Clerk of the Board of Supervisors, and avoids having to go to each agency's reading file during its hours of operation.

Recommendation 5: The Mayor Should Remind All Agencies to Comply with Code Requirements

The Mayor or his designee should send a letter to all agencies reminding them of their duty to be aware of code requirements, as well as his expectations regarding their compliance with code requirements.

Finding: The Public Library Does Not Have A Comprehensive List of Agencies Required to Submit Reports and Documents

Library staff do not have a full listing of all agencies that might be required to send copies of reports to the library, or a list of the reports expected from each agency. Therefore, it is uncertain whether or not all applicable agencies received the Civil Grand Jury's reminder of the reports that were due to the Public Library. Further, there is no requirement that Public Library staff send such a reminder, and library staff do not feel they have any recourse by which to encourage or enforce compliance with the Administrative Code, Section 8.16.

Recommendation 6: A List Prepared by Administrative Services Will Be a Resource to the Library

In response to the recent voter-approved modifications to the Administrative Code, Section 67, Administrative Services is in the process of preparing a list of all documents prepared by various agencies. This list will include all agency reports and documents; the reports required to be sent to the Public Library are only a subset of this larger list. The information in Table 1 may be of some use to the Administrative Services Department in its task. Once prepared, the Administrative Services list would be a resource for any Library staff action.

Response to Recommendation

William L. Lee City Administrator

Ryan L. Brooks Director Department of Administrative Services October 16, 2000

The Department of Administrative Services is preparing an index of all public documents for purposes of implementing Proposition G. In January 2000, the City Administrator commenced a series of meetings with the Clerk of the Board, City Attorney staff and members of his senior staff to delineate responsibilities for implementation of the various proposition G provisions. A plan was produced and on February 25, 2000, a letter was sent to all division heads requesting copies of their record retention and destruction schedules. As of August 4, 2000, forty-four departments have responded. Concurrently, the City Administrator has been working with the Department of Telecommunications and Information Services on the technical requirements for an Internet application of the Records Index. The project plan targets Fall 2000 as the completion date for the application. The Library will be able to access this information to assist it in carrying out its responsibilities.

Recommendation 7: The Public Library Should Revise the Posting and Depository Factsheet

The "Posting and Depository Factsheet" currently sent out by Public Library staff as a reminder regarding the requirements of Section 8.16 should be revised. Specifically, the factsheet notes that copies "should be sent". Our review of Section 8.16 indicates that the requirement supports stronger wording, and we recommend that Library staff change "should" to "shall", possibly using a bold font. We also recommend that the list of official publications be modified to add "reports issued in response to Municipal Code requirements."

Responses to Recommendation

Susan Hildreth City Librarian San Francisco Public Library June 23, 2000

The Library's San Francisco Documents Department has developed a factsheet, "Posting and Depository Factsheet", to assist city agencies in making their official publications available to the public. They have also developed a factsheet for nonprofits, "Posting Factsheet for Nonprofits", to assist them in making their public meeting agendas available to the public. (please see the attached examples.) These factsheets have been previously reviewed by the City Attorney. The Library will send the revised wording suggested by the Civil Grand Jury to the City Attorney for review. The Library appreciates the Civil Grand Jury's suggestions and will incorporate any modifications approved by the City Attorney into the factsheets.

I would like to take this opportunity to make some observations regarding the Depository program. The City of San Francisco has been a leader in open meeting laws. We take great care in making meeting notices and agendas available to the public. Unfortunately, there does not seem to be the same priority placed on official meeting minutes. For the number of agendas received by the Documents Department, it receives about half the number of coinciding meeting minutes. Also, although the Library is glad to serve as the repository for City documents and has been doing so for many years, the document repository function for a city the size of San Francisco may be better placed in its own department. The Library includes the city document depository function as one task in its constellation of functions; and, well- intentioned as Library staff may be, we are not able to give the attention to this task that is warranted. We would be happy to discuss alternative options with the Administrative Services Department or other appropriate parties.

Susan Hildreth City Librarian San Francisco Public Library May 21, 2001

Recommended revisions to "Posting and Depository Factsheet"- After consulting with the City Attorney's Office, the "Posting and Depository Factsheet" was revised to replace the word "should" with "shall". Also, the phrase "reports issued in response to Municipal Code requirements" was added to the paragraph that describes official publications. The changes were made to the Factsheet in July 2000. We continue to refine procedures for sending materials to the Government Information Center and are now accepting some materials via email attachments.

Finding: The City Attorney's Guide for City Officials Does Not Provide Information on the Requirements of Section 8.16

The City Attorney's Office publishes "An Overview of the Laws Governing the Conduct of Public Officials," to provide City officials with an overview of laws regulating their conduct as public officials. This document contains a wealth of information regarding public records and public meetings laws. Part 2 of the document is intended to familiarize elected officials, department heads, and others "with State and local laws governing the public's right of access to City records and meetings conducted by City boards and commissions." However, the City Attorney's guide does not contain a discussion of the requirements of Section 8.16. This appears to be a missed opportunity to provide officials with information regarding requirements for public access to information at the Public Library.

Response to Finding

Louise H. Renne City Attorney Office of the City Attorney June 16, 2000

The City Attorney's Office agrees with this finding.

Recommendation 8: The City Attorney Should Provide Agencies Appropriate Guidance to Requirements of Administrative Code, Section 8.16

The City Attorney publication, "An Overview of the Laws Governing the Conduct of Public Officials," should be revised to include appropriate guidance to all agencies regarding the requirements of the Administrative Code, Section 8.16

Responses to Recommendation

Louise H. Renne City Attorney Office of the City Attorney June 16, 2000

The City Attorney agrees that it is important for City officials to be aware of the filing requirements set forth in Administrative Code Section 8.16. In addition, in the next edition of "An Overview of the Laws Governing the Conduct of Public Officials," we will revise it to include a reference to Section 8.16. The City Attorney is sending a memorandum to all department heads, boards and commissions reminding officials of their obligation to comply with Section 8.16.

Louise H. Renne City Attorney Office of the City Attorney May 25, 2001

As set forth in our June 16, 2000 response, we agree that it is appropriate to revise this publication to address the requirement in Administrative Code §8.16 that copies of published reports and other documents be filed at the Library. Our office has completed drafting updates and revisions to this publication, and it is now in the final stages of being reproduced and prepared for distribution. We expect that the revised publication will be available for distribution to City officials and the public in the near future.

Finding: Responsibility for Enforcing and Monitoring Reporting Requirements Not Identified

Our interviews with various City personnel also revealed a lack of clarity regarding whose responsibility it was to inform departments of their Municipal Code reporting requirements, follow up if these requirements were not met, and take enforcement action. Some interviewees believed that the Clerk of the Board of Supervisors should be responsible for ensuring that reminders are sent to agencies that are not submitting required reports. Others believed that it was the responsibility of the Mayor, the City Attorney, or library staff.

Recommendation 9: Send Annual Reminder Letters to All Agencies on Code Requirements

The Mayor or his designee should establish a process to send out an annual reminder letter to all agencies informing them of their duties to be aware of code requirements, as well as his expectations regarding their compliance with Code requirements. This should include an annual review and update of the list of publications that that agency prepared in

cooperation with the Administrative Services Department. The Mayor or his designee should also establish a process by which input could be received regarding potential noncompliance. The Mayor should also formulate a policy regarding actions that would be taken by his office should an agency not follow the requirements of Section 8.16.

Recommendation 10: Inform New Agencies About Requirements of Administrative Code Section 8.16

The Board of Supervisors should tell new agencies about the requirements of Administrative Code 8.16, perhaps by inclusion of specific reference in the resolution or ordinance used to create the agency. City departments and long-standing boards and commissions may retain a "corporate memory" of requirements. Newly formed agencies that may only be in existence for a year, then produce a final report, may not otherwise be notified of any Municipal Code requirements that apply.

Response to Recommendation

Gloria Young Clerk of the Board Board of Supervisors April 24, 2000

The Civil Grand Jury has made recommendations for Board of Supervisors consideration as listed on pages 13, 14, and 16 (Findings (6), (7), and (9)). Each Supervisor received a copy of the Interim Civil Grand Jury report from the Civil Grand Jury under separate cover. The Board of Supervisors may hold a hearing on any issue in the report and suggest recommendations.

Finding (8) on page 15 requires the Clerk of the Board of Supervisors to "On a regular basis (perhaps yearly) ...send out a reminder letter to all agencies regarding the need to send, through the Office of the Clerk, any documents required to be reported to the Board of Supervisors." In response to Finding (8), as noted in Finding (2) on page 11, the Mayor is responsible for enforcing all laws relating to the City and County. Currently, the Clerk of the Board's Office sends to each department a copy of all codified codes adopted by the Board of Supervisors. This is intended as a notice of the laws enacted by the legislative body and a notice to comply if applicable.

Finding: Municipal Code Requirements Are Sometimes Not Easy to Find

Report requirements are sometimes not well labeled, the indexes for the Municipal Codes are sometimes deficient, and sometimes responsibilities for reports are identified in a part

of the Municipal Codes that a given agency would not expect. For example, Police Department report requirements are identified in the Traffic Code.

Response to Finding

Louise H. Renne City Attorney Office of the City Attorney June 16, 2000

The City Attorney's Office agrees that some requirements in the codes are not easy to find, some reporting requirements are not well-labeled and some of the indexes are not as detailed as they might be. While there are some instances where reporting requirements are set out in portions of the codes where an agency might not expect to find them, it has been our experience that department officials are aware of the relevant code provisions affecting their departments.

Recommendation 13: Better Identify Report Requirements

The Board of Supervisors should study the Municipal Code structure, especially with respect to (a) labeling of report requirements, and (b) how the indexes are established. Report requirements should be better identified.

Recommendation 14: Consider Revising Code Report Requirements

As the Board is currently doing with its revisions to the Administrative Code, consideration should be given to revising other parts of the Municipal Codes. The Board should review current report requirements for relevance, and consider elimination of those requirements no longer useful.

Recommendation 15: The City Attorney Should Consider Preparing a Master Index to the Charter and Municipal Codes

In its role to prepare and make available a codification of the ordinances of the City and County (Charter Section 6.102), the City Attorney's Office should consider preparing a master index for all sections of the Charter and Municipal Codes. A master index would make it easier for agencies to identify all requirements that apply to them. The Charter and Municipal Codes are available on the Internet for full-text search, but some searches can result in many "hits" to review. A master index could shorten this process. Also, not all members of the public have Internet access.

Responses to Recommendation

Louise H. Renne City Attorney Office of the City Attorney June 16, 2000

The City Attorney's Office will consider this recommendation in our future planning. We are discussing with our publisher whether preparing this type of index would be cost justified. In addition, internet access is increasingly available to the public from a variety of sources, including the Public Library. Moreover, some of the concerns expressed in the Grand Jury's finding regarding searches are being addressed by the deletion of obsolete material and reorganization of code provisions as part of the ongoing effort to revise and update the City's codes.

Louise H. Renne City Attorney Office of the City Attorney May 25, 2001

In response to the Grand Jury's recommendation, staff from the City Attorney's Office have considered preparing a master index of City codes. We determined that the cost would be expensive relative to the limited benefits. There is an initial cost and an on-going cost not only to this office, but to others who would use the index, according to the publisher. The public may access the codes online easily, or go to the Library. The City codes, including the Charter, are available to the public at the City's website. Members of the public can conduct online word searches of the codes using search functions available on the website. This access largely obviates the need for an index. In addition, since the completion of the Grand Jury's Interim Report last year, the City has completed a substantial rewrite of the City's Administrative Code that deletes a large amount of obsolete material and consolidates material in that code in a more logical fashion.

Finding: Some Agencies Do Not Send Their Reports to the Clerk of the Board of Supervisors

Several agencies had up-to-date annual reports on file at the Public Library, but had out-of-date reports on file at the Board of Supervisors. When asked about the discrepancy, these departments noted that they had sent their recent annual report directly to each of the supervisors, and not to the Clerk of the Board of Supervisors. Unlike for boards and commissions, regulations for departments do not specifically state that annual reports should be sent to the Clerk of the Board of Supervisors. While such a transmittal directly to the Supervisors may fulfill the Municipal Code requirement to submit a report, it is less than satisfactory. Such material then is neither logged into the Clerk's files nor available for public review at the Clerk's Office.

Recommendation 16: Remind Agencies of the Need to Send Documents to the Clerk of the Board of Supervisors

On a regular basis (perhaps yearly), the Clerk of the Board of Supervisors should send out a reminder letter to all agencies regarding the need to send, through the Office of the Clerk any documents required to be reported to the Board of Supervisors.

Finding: Municipal Code Annual Report and Annual Statement of Purpose Requirements Are Not Well Defined

The requirements for annual reports for departments, boards, and commissions are unclear and, for such a relatively simple requirement, somewhat complex. In brief, the requirements for annual reports from departments are different than for annual reports from boards or commissions. For example, departments are required to submit an annual report. Boards and commissions may submit either an annual report or an annual statement of purpose; however, the Charter allows either option whereas the Administrative Code only discusses the statement of purpose. In addition, neither the Charter nor the Administrative Code defines what is a statement of purpose or its parameters. Further, the Municipal Code does not make any qualification to these requirements for advisory boards or commissions.

Recommendation 17: Make Changes to the Administrative Code

The Board of Supervisors should initiate action to make the following changes to the Administrative Code:

- a) Administrative Code, Section 1.56, should be revised to allow either the Annual Report or Annual Statement of Purpose option.
- b) Section 1.56 should be revised to note that the Annual Statement of Purpose and the Mission and Goals statements are equivalent.
- c) Section 1.56 should be revised to clarify which boards and commissions (all, just those in charter, none that are advisory, etc.) to which it applies.
- d) Sections 1.56 and 2A.30 should be revised to indicate to whom the Annual Report should be sent.
- e) Sections 1.56 and 2A.30 should be revised to indicate Annual Report expectations for those cases where there is both a department and a board or commission (two separate Annual Reports would not be required)
- f) Consideration should be given to some form of combination of the Annual Report and Customer Service Plan report requirements. Some examples of Annual Reports with specific content requirements include Park and Recreation and the Lead Hazard Reduction Program.

ANCILLARY RECOMMENDATIONS

Finding: Some of the Civil Grand Jury's Findings May Be of Interest to the Sunshine Task Force

Recommendation 18: Review for Concurrence and Follow-up

We recommend that the Task Force review this report for concurrence and followup. For those recommendations with which the Task Force agrees, we request that the Task Force consider sending letters of concurrence to those from whom we have required a response, notifying them of your concurrence.

Responses to Recommendation

Hilda R. Bernstein Chair Sunshine Ordinance Task Force November 15, 2000

The Sunshine Ordinance Task Force will:

- a) Send a letter to the Mayor requesting that the Mayor enforce laws that promote public access to information.
- b) Request the Board of Supervisors review the various laws and requirements regarding making public reports much simpler, clearer and more uniform.
- c) Request that the Clerk of the Board send a yearly reminder to agencies that are required to file mandated reports with the Board of Supervisors to file those reports with the Clerk of the Board for distribution to the Board of Supervisors.

Gloria Young Clerk of the Board Board of Supervisors April 24, 2000

Findings (11) and (12) make recommendations for the Sunshine Ordinance Task Force (SOTF). Since administrative support to the SOTF falls under the Clerk of the Board, this Office will forward those recommendations to the SOTF Administrator to follow up.

Finding: Posting Information on the Internet Does Not Fulfill Requirements of Administrative Code Section 8.16

Several agencies are placing some of their documents, both required and non-required reports, on their Internet web pages. While this places reports into an easily accessible public space, the Administrative Code, Section 8.16, does not specify this as a method for

compliance with its provisions. In addition, some of the information was available only on the Internet, and not in the files of the Clerk of the Board of Supervisors or the Public Library. Also, some of the information on the Internet was out of date with respect to material available in the Library.

Recommendation 19: Remind Agencies on City Policy for Posting Information on the Internet

A reminder regarding City policy on posting information on the Internet should be developed and communicated to all affected agencies.

Response to Recommendation

Hilda R. Bernstein Chair Sunshine Ordinance Task Force November 15, 2000

The Sunshine Ordinance Task Force will:

Send a letter to the Mayor recommending that the Mayor remind departments to file Annual Reports with the San Francisco Public Library Government Information Center, post such reports on the departments' web site, and that web posting does not supersede the requirement that reports be filed with the San Francisco Public Library Government Information Center.

Finding: Some Agencies Do Not Have Web Pages

During its review of the City and County web pages for documents, the Civil Grand Jury observed that several of the agencies did not have a web page. The recent changes to Administrative Code, Section 67, include direction regarding placement of information on the Internet, specifically Sections 67.9, 67.21-1, 67.29, and 67.29-2. While not within the scope its review, the Civil Grand Jury compiled the statistics and forwarded them for information to the Sunshine Task Force. The statistics are presented in Table 2 of the Civil Grand Jury's report.

Recommendation 20: The Sunshine Task Force Should Discuss the Issue of Web Pages

We recommend that the Task Force discuss Table 2 and the issue of web pages at one of its public meetings.

Responses to Recommendation

Hilda R. Bernstein Chair Sunshine Ordinance Task Force November 15, 2000

The Sunshine Ordinance Task Force will work to develop or clarify the definition of a "department" as that term is used in the City Charter and ordinances.

Gloria Young Clerk of the Board Board of Supervisors April 24, 2000

With respect to the web pages, the organizations under the Board of Supervisors, including the Assessment Appeals Board, Office of Legislative Analyst, Office of Budget Analyst, Sunshine Ordinance Task Force, and Youth Commission, all have a presence on the City and County of San Francisco web pages.

Liza M. Lowery
Executive Director
Department of Telecommunications and Information Services
October 13, 2000

DTIS Web Page (Sunshine Ordinance Section 67.29-2, Internet Access/World Wide Web Minimum Standards.)

Although on page 19 of the report it is stated that no response is required, DTIS would like to address this issue. Please be advised that DTIS currently provides and fully utilizes its Telecommunications Commission's website, which is fully compliant with all previous and existing Sunshine Ordinance requirements regarding a website presence.

The fact that DTIS currently lacks its own stand-alone website is an unfortunate case of the "cobbler's children having no shoes." The DTIS web team, which handles the majority of websites for the City, has been dedicating its time to serving our customer departments, the Board of Supervisors, and the City's commissions in the intensive Citywide effort to comply with the most recent charter amendment to the Sunshine Ordinance. Because the web team has devoted the majority of their time to our customers, they have not been able to address the needs of our own department.

The development of DTIS' website is high on the Department's priority list, and we fully anticipate having a web presence by the end of the fiscal year.

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CHAPTER 11 OVERTIME STUDY

BACKGROUND

The 1999-2000 San Francisco Civil Grand Jury investigated the way departments in the City and County of San Francisco (City) award overtime to employees, the fiscal impact of overtime, the use and effect of overtime on various departments, the manner in which departments control overtime, and the short-term and long-term consequences of overtime for the City.

Some employees receiving overtime are able to substantially enhance their pensions due to overtime worked. Over the life of the employee's pension, the City pays or incurs a pension obligation approximately 10 times the employee's regular hourly rate for each hour of overtime worked. The cost of overtime in this instance is grossly disproportionate to the benefits received by the City and results in a huge windfall to the employee. The amount received by the employee can be approximately 20 times the employee's regular hourly rate.

RESULTS

The Civil Grand Jury made 19 recommendations and required responses from the following:

Board of Supervisors
Controller
District Attorney
Fire Commission
Fire Department
Human Resources Department
Police Commission
Police Department
Public Transportation Department
Sheriff's Department

POLICE DEPARTMENT AND SHERIFF'S DEPARTMENT

Finding: Court Appearances by Police Officers Contributes to Excessive Overtime

Of the 2,595 funded positions in the Police Department, 614 employees (or approximately one of every four employees) received overtime hours greater than 16 percent of their regular hours. Court appearances by arresting officers after their shift ends or on days off contributes to excessive overtime.

Recommendation 1: Coordinate Court Appearances of Police Officers

Police officer court appearances should be coordinated with the District Attorney's Office and the courts to attempt to arrange appearances on a scheduled workday with a realistic time scheduled for the appearances.

Response to Recommendation

Terence Hallinan District Attorney Office of the District Attorney May 25, 2001

The District Attorney is in general agreement with the Grand Jury recommendation in this matter.

This issue has been the subject of meetings and discussions over the past year, and, in fact, is the subject of discussions this week between this office and the police department.

The majority of police officer scheduled appearance problems occur in the context of felony preliminary hearings. These hearings are scheduled on a daily basis in five courtrooms (with a sixth as a back-up) at the Hall of Justice. Each of the courtrooms has anywhere from five to fifteen preliminary hearings set daily. Each of those cases have one to six police officers subpoenaed to appear in court.

In the Preliminary Hearing courts, the District Attorney's office has subpoenaed officers to court for 9:00 A.M. for many years. The court's business begins at the time; defendants are ordered to appear by the court at that time, and the judges take the bench at about that time.

A separate and distinct problem occurs in the Superior Court Master Criminal Calendar Dept. 22. Every Monday anywhere from 25 to 45 felony jury trials are on the calendar to be sent out to a trial department. The difficulty is that there are only 7 trial departments assigned to handle those cases. The inevitable result is that the majority of trials "trail" until a courtroom opens up for trial. It is not unusual for

some trials to "trail" for three weeks and more. The number of police officers "on standby" can become overwhelming and the cost substantial.

The following issues are relevant to the ability of this office, the courts, the police, and the defense to agree on a "realistic time scheduled for the appearances."

- Dept. 20 begins testimony on its hearings as early as 9:15 A.M.
- The other four preliminary hearing courtrooms, depending on how quickly the arraignments, sentencing, motions, etc. go, start hearings at different times.
 Some at 10:00 or 10:30 or 11:00 A.M.
- When the officers appear at 9:00 there is sufficient time before the hearing for the officers to review their reports, discuss any problems with the DA., interview the chemist, if it is a narcotics case, have the narcotics retested, if necessary, etc.
- Some courts mandate the officers to appear by 9:00 A.M., or the case suffers a
 dismissal. The absence or tardiness of subpoenaed police officers inhibits the
 disposition of cases.
- Budget constraints on the Office of the District Attorney prevent the assignment
 of adequate numbers of assistant district attorneys to facilitate the efficient
 disposition of cases. The fact that there are only 7 trial courts, prohibits moving
 many cases into trial on the date set.

The Grand Jury's recommendation, as well as the above points, is a subject that is well-known to all impacted parties and is constantly being reviewed as to its implementation.

Finding: The Sheriff's Department Does Not Accompany Prisoners to Medical Facilities

An arrested person in need of medical treatment is routinely rejected by the Sheriff's Department, causing the police officer, who may be at the end of his shift, to accompany the prisoner to medical facility and to wait until the facility accepts the prisoner.

Recommendation 2: The Sheriff's Department Should Be Responsible for Prisoner Custody

The Sheriff's Department should be responsible for custody of all prisoners delivered to the jail or to a medical facility while awaiting treatment. Individual officers should be relieved of this responsibility.

Response to Recommendation

Fred Lau Chief of Police Police Department October 16, 2000

The Police Department agrees.

Finding: Fees for Providing Police Officers for Street Fairs Should Be Increased

Street fairs consume substantial overtime and the entity conducting the fair is only responsible to contribute a maximum of \$2,500 toward the costs incurred by the City. This contribution is sometimes waived by the board of supervisors depending on political considerations.

Recommendation 3: Increase Fees for Street Fairs

The fee should be increased and guidelines established for the uniform waiver of fees.

Response to Recommendation

Fred Lau Chief of Police Police Department October 16, 2000

The Police Department agrees and has requested amendment of the Administrative Code to provide for full cost recovery.

Finding: The Administrative Fee to Provide Police Officers for Private Functions Should Be Reinstated

The use of police officers for private functions under the Administrative Code, Section 10b, results in some reimbursement to the City for overtime incurred. The board of supervisors recently repealed the requirement that a 20 percent fee be charged in addition to the overtime incurred. The repealed fee was not uniformly charged and that served as a reason for its repeal. Currently no charge is assessed for the cost of administering the program or for the use of City equipment by police officers hired under the 10b program.

Recommendation 4: Reinstate Fee for Cost of Administering 10b Program

The 20 percent fee should be reinstated and assessed equally in all instances. If a waiver is justified, it should be pursuant to established guidelines and not waived on the basis of political considerations.

Response to Recommendation

Fred Lau Chief of Police Police Department October 16, 2000

The Police Department believes that the issues of administrative fees and waivers of any kind require further study.

Finding: The Sheriff's Department Needs to Determine Whether Non-Law Enforcement Personnel Could Perform Some Deputy Duties

There were 117 Sheriff's Department personnel who had overtime hours greater than 16 percent of their regular hours. Of this group, almost 97 percent were sworn deputies. Therefore, it seems that future studies should be made to determine whether some of the current deputy assignments could be appropriately and adequately performed by non-law enforcement personnel.

Recommendation 5: Determine if Non-Law Enforcement Personnel Can Perform Deputy Assignments

Studies should be made to determine whether some of the current deputy assignments could be appropriately and adequately performed by non-law enforcement personnel.

Response to Recommendation

Michael Hennessey Sheriff Office of the Sheriff May 25, 2001

Disagree. Over the course of the past 20 years, many such studies have been performed and have concluded that deputy sheriffs are performing both custodial and clerical tasks. To shift their clerical tasks to non-sworn staff, as comparable counties have done, would result in additional personnel costs, not savings.

FIRE DEPARTMENT

Finding: Work Rules, Absences, and Discontent Contributed to Excessive Overtime in the Fire Department

There were 156 Fire Department employees who had overtime hours greater than 16 percent of their regular hours. Of this group, about 9 out of 10 were uniformed fire-fighters/paramedics. Some of the following contributed to excessive overtime in the Fire Department:

- Work rules requiring minimum staffing at stations and to operate equipment.
- Absences due to fraudulent worker's compensation claims.
- General discontent by rank and file with management is believed to be responsible for some absenteeism.
- Alleged incidents of racism directed at the Chief may have resulted in overtime abuses in order to call into question the Chief's management skills.
- Overtime paid to employees who participate in the delivery of toys during the Department's Toys for Tots program.

Recommendation 6: Re-examine Work Rules

Work rules should be re-examined to determine whether the current requirements unnecessarily contribute to overtime requirements.

Response to Recommendation

Paul J. Tobacco Acting Chief of Department Fire Department October 3, 2000

There are several divisions and units that resulted in a higher amount of overtime for individuals assigned there. Each of those units and their reasons for overtime accumulation is described below along with suggestions for possible solutions to reduction in overtime.

BUREAU OF EQUIPMENT (BOE)

The personnel who work at the Bureau of Equipment are a specialized group who require skills and knowledge in all areas of department apparatus, mechanical equipment, and power tools. For these reasons, members cover for other members who may be off on sick pay, disability pay, vacation, time coming or away on department business. Those assigned to the BOE are also required to possess a class "A" license and are in the random drug-testing program. The "A" license allows them to operate any type of vehicle or apparatus including a tow truck, fuel tanker truck and aerial trucks with the tiller locked when transporting for repairs.

The members work a 24-hour shift and are responsible for making decisions to keep equipment in-service or replace them with a relief piece. They are qualified mechanics and as such are responsible for making emergency road repairs to the fuel, electrical, air, hydraulic and water systems when possible. When the Central Repair Shops are closed at night and on weekends they are responsible for keeping Department apparatus in-service.

There are seven (7) positions budgeted for the Bureau of Equipment. Currently there are five active members who along with their regular work hours also covers two vacant positions. These vacant positions are for a member who is on disability and one vacant spot due to a retirement. It has been recently determined that the member on disability will be long term.

SUGGESTIONS FOR REDUCTION IN OVERTIME IN THIS AREA:

Overtime can be reduced by hiring relief personnel to replace the disabled member and by hiring a permanent replacement for the retired member.

BUREAU OF WATER SUPPLY

The Department has a Utility Plumber Supervisor, Classification 7250, which entails supervising Utility Plumbers, General Laborers, ensuring that ten districts are serviced properly and all broken fire hydrants are repaired in a timely fashion. Additionally, this supervisor meets with other City agencies and contractors working on projects in the City.

Utility plumbers class 7388

There are presently eight Utility Plumbers allotted for this fiscal year. One Utility Plumber was on light duty for the past two years and has since past away, leaving seven Utility Plumbers. Another Utility Plumber has been on limited duty at department headquarters leaving six Utility Plumbers available to perform the duties, which normally takes ten. The Department plans to hire and fill vacancies as soon as possible.

General laborer class 7514

There is now one General Laborer working in the Water Supply unit. There are two laborer positions with one who had been on workers compensation for approximately five years recently resigning, leaving one position open. This position needs to be filled.

Mitigating factors for work required during late night or weekends.

Repairing valves, water mains, fire hydrants, filling cisterns including the motorized valve maintenance program in highly traveled areas where both pedestrian and motor vehicle traffic is a safety issue.

Response to greater alarms is needed to meet state requirements of being on-site to make certain there are no cross connections.

Marking the Auxiliary Water Supply System in the street for contractors who are excavating in areas of the City & County of San Francisco is mandated. Some of these locations are heavily traveled areas where work needs to be performed on off-hours.

Supervision of crews is required when the plumbers are in the field.

Inspections of various job sites where contractors are working throughout the city late at night or weekend hours is needed in order to obtain city permits for the scope of work they are performing.

The contractors who are working in close proximity to the Auxiliary Water Supply System, need to make certain that the San Francisco standard specifications are being adhered to. For example, there has been a case where other utilities such as PG&E had installed an electrical duct line on top of the high pressure water main at Main & Mission streets. This conflict caused the high-pressure main to rupture and now has delayed the repair.

The Memorandum of Understanding (MOU) between the City and Local 38, Plumbers, states that when an employee is re-called while off duty a four hour minimum is to be paid. Additionally, these employees work on some of the projects that cannot be performed during the normal work hours or cannot be done due to staffing issues.

There are a number of tasks that need to be performed in regards to maintaining the Auxiliary Water Supply System. The following tasks need to be performed and is part of maintaining the AWSS.

- Filling of cisterns
- Filling of reservoirs
- Gate valves need to be operated
- Flushing of the Auxiliary Water Supply System (AWSS)
- Motorized valve system also has a preventive maintenance program that needs to be implemented as part of normal duties not to mention the districts needing attention
- Servicing low & high-pressure hydrants in 10 districts in addition to Treasure Island & Hunters Point
- Operating valves
- Repairing broken hydrants/billing of repairs made.

SUGGESTIONS FOR REDUCTION IN OVERTIME IN THIS AREA:

- Utility Plumbers are on a flex schedule for special projects only.
- Filling all vacancies would assist in the need for overtime to one or a few individuals.

BUREAU OF ASSIGNMENTS

Background

The Bureau of Assignments, or Assignments Office (AO), paid over \$183,409 in overtime during the 98/99 fiscal year. The need for this overtime is due to a shortage in staffing. The workload of the Assignment Office (AO) has increased over 20% since the 1998 EMS merger. Additional duties contributing to this increase include staffing of Treasure Island, tracking of WDO's and daily details of BLS (Basic Life Support Ambulance) personnel. The AO hired an average of 1.5 Lieutenants everyday on overtime to handle the day to day operations during this time.

The AO continues to utilize overtime personnel for daily staffing. Deficiencies are at a critical level due to recent staffing changes. One Lieutenant has recently returned to the field. Another Lieutenant previously on light duty status was released to the field after returning to full duty. The current senior personnel clerk (1204) continues in her temporary assignment as Medical Leave Supervisor. The AO currently has a Lieutenant in training. The AO is budgeted for one battalion chief, 4 lieutenants and a senior personnel clerk. The current minimum staffing does not take into consideration absences due to vacation or sick leave (see item #8). The 1204's absence also contributes to the need for overtime personnel to facilitate the effective operation of the office.

A proposal to civilianize the AO was submitted and accepted for the 2000/2001 fiscal year. This will entail replacing 2- H-20 Lieutenants with 3.75- 1202 Personnel Clerks. It is anticipated that training for the new 1202's will take approximately 6-8 months. Once trained, the Bureau of Assignments would be able to return these Lieutenants to the field thereby reducing overtime in the suppression force. Also once the 1204's spot is filled and we are fully staffed, I anticipate overtime costs could be reduced significantly. Requisitions are pending with the Controller's Office for positions that directly effect overtime hiring within my division. These positions include 3.75- 1202 Personnel Clerks, and indirectly, one 1844 -Sr. Management Assistant (Medical Leave Supervisor).

ACTIONS ALREADY TAKEN TO REDUCE OVERTIME IN THIS AREA:

Assign an limited duty Lieutenants when available

• Through the budget process, exchanged positions of Lieutenants with civilians in the classification of 1202, Personnel Clerk, at a lower cost and no backfilling issues. (The 1202 positions are in the process of being filled.)

BUREAU OF COMMUNICATIONS, NOW A NEW CITY DEPARTMENT ENTITLED "COMBINED EMERGENCY COMMUNICATIONS CENTER"

The justification for the amount of overtime accrued by members assigned to the former Bureau of Communications, (BOC), is shortage of staffing. The minimum staffing required at the BOC was identified to be 10 members per shift. This included one H-33 Rescue Paramedic Captain, (RC), two H-20 Lieutenants, two H-I Rescue Paramedics and five H-2 Firefighters. Members worked 42 hours per week on a 24-hour A, B, C, D schedule. The Department was mandated by the MOU with Local 790 to staff a minimum of three licensed paramedics on duty at all times. The MOU with Local 798 required that an H-33 RC be on duty at all times. The H-33 fulfilled one of the required three licensed paramedics required per Local 790's MOU.

The number of assigned personnel to the BOC rarely exceeded 40. This allowed only 10 members to be assigned to each team without any personnel assigned for vacation relief. As a result, any time a member was off-duty on elective leave, Sick Pay (SP) or Disability Pay (DP) his/her position was filled by overtime or a WDO (Working Day Off). In addition, there was a high use of sick leave, (SP), for members assigned to the BOC. Since the merger of the BOC with C-Med, the policy allowed a maximum of three members off-duty with elective leave on any one shift. Because of the requirement to have 3 licensed paramedics per shift and to have trained personnel working at the BOC, the existing policy allowed any member regardless of rank to work a WDO to fill a vacant position. For example, this meant that an H-33 RC could work a WDO to fill any vacant position.

ACTIONS ALREADY TAKEN TO REDUCE OVERTIME IN THIS AREA:

- Provided full staffing with vacation relief personnel.
- Replaced all personnel on long term leave, i.e. DP, SP, SL etc.
- Reduced the per shift allotment of elective leave usage. No more than two
 members are allowed to be off-duty on elective leave during any shift.
- Increased the number of trained personnel for vacation relief assignments to the CECC.

Paul J. Tabacco Acting Chief of Department Fire Department May 25, 2001

The Department has responded to this matter as noted in the enclosed report. [Please see above response]

Concerning the Bureau of Equipment, I have directed the creation of a resource pool of qualified members who possess the required skills and knowledge and can fill in for Bureau of Equipment members who may be off for extended periods of times. This pool has enabled the Department to reduce the overtime at the BOE as well as insuring qualified future replacements.

Concerning the Bureau of Assignments, the Department has worked to assign limited duty members to this unit to help address the overtime issue. Further, through the upcoming budget process, the Department plans on finalizing a staffing plan to insure there are adequate personnel for this unit, which appears to have been understaffed historically.

Concerning the Bureau of Communications, the City's goal is civilianize the positions needed to staff this function, but that goal has not yet been accomplished. Uniform firefighters still serve as dispatchers, and we continue to train firefighters on an on-going basis to insure staffing is available to cover any absences. Additionally, the Department gives priority to training and placing limited duty members in these positions. Until such time as the new CECC department hires an adequate number of civilians, the Fire Department will continue to have a presence there to fill the needed number of personnel to staff the center so they can respond to fire and medical-related dispatches.

Recommendation 7: Curtail and Prosecute Fraudulent Compensation Claims

The Fire Department should increase its vigilance in curtailing and prosecuting fraudulent sickness and compensation claims.

Responses to Recommendation

Paul J. Tobacco Acting Chief of Department Fire Department October 3, 2000

Minimum Staffing

The only formal policy that contributes to the Department's heavy use of overtime is the minimum staffing requirements. On a daily basis, the Department is required to have 352 personnel on hand to appropriately staff each piece of apparatus that is deployed in the field. This requirement is stipulated in the MOU between the City and Local 798.

The MOU specifically reads that each engine is to be staffed with one officer and three firefighters and that each truck is to be staffed with one officer and four firefighters. The MOU also specifies that these staffing levels must be maintained and verified. Additionally, the MOU now specifies that each Battalion Chief and each Assistant Chief is to have a Chief's Aide.

On any day that the number of individuals available to report falls short of the 352 personnel needed, WDOs must be hired. The only way to avoid hiring WDOs to cover shortages is to temporarily close companies and use the excess personnel to cover the shortages. At this time, it is not the Department's policy to take such actions to avoid hiring WDOs.

On-Duty and Off Duty Training

Over the past two years, there has been quite a bit of off-duty training related to the cutover to the new Combined Emergency Communications Center (CECD) and radio systems. Those who were required to report on their days off to obtain such training were compensated at the overtime rate. For the most part training has been completed. However, there are some ongoing needs with regard to training in order to maintain enough individuals who are qualified to fill the assigned spots at the Communications Center.

As the remaining portions of the new system is rolled out, there will be some training required regarding the Automated Information Systems portion of CECD. To the extent that this training could require individuals to report on their days off or that individuals would have to be detailed in a manner that would require backfilling their position, WDOs would be hired.

Emergency Medical Services (EMS), is also responsible for increasing the use of overtime due to training. Mandatory training and recertification as well as the need

to remove Paramedics from the field to complete the H3 Firefighter Paramedic cross training have resulted in heavy use of overtime.

Activities, Behaviors and Practices

-Sick Leave

In additions to policies and training requirements, there are activities, behaviors and practices that contribute to the heavy use of overtime. Previous sick leave practices allowed individuals assigned to Suppression to miss numerous watches without consequence by simply calling in the first missed watch and asking to be put out on sick leave. If the individual fell within category one and was out less than 30 days, they needed to call in prior to returning to work asking to be returned to duty.

The Department has drafted a policy to make being on sick leave in a fraudulent manner more difficult. This draft policy is in the process of meet and confer with the Firefighters Union due to past practice issues.

Anyone who is out for an extended period of time is required to report in person every 30 days to the Medical Leave Supervisor. It is not clear that this policy is enforced. Returning to the practice of enforcing the requirement that those out long-term report to the Medical Leave Supervisor, as prescribed. This will allow us to more closely monitor the status of individuals out for long periods of time; and more readily assess their ability to return to work.

Further, the Department is in a difficult place when dealing with the root causes of sick leave abuse since it involves provisions of the MOU of the Firefighters. This MOU is in effect from July 1, 1999 through June 30, 2001, and will be renegotiated in the coming months. This MOU has a provision called the "Wellness Program." This allowed firefighters who kept a specific balance of SP and did not use more than two days of sick pay to cash out a certain amount of those hours for pay. Unfortunately, this policy was not helpful as various firefighters merely stayed off sick, foregoing the cash out and the number of employees out on sick pay did not go down. The Fire Department and City plan to review better plans for sick pay policies in the process of the upcoming contract negotiations.

-Limited Duty and Extended Leave

Individuals assigned to limited duty also impact overtime. A limited duty employee is one that is not fully released by their physician to return to work, but who can perform some service for the Department while recuperating to return to full duty. Thus, while the injured person has returned to work, they have returned in a capacity that does not allow the Department to eliminate the backfill related to their position in the field. While there is more scrutiny of limited duty than there has been in the past, there are still a number of individuals in the Department who are on limited duty.

The Department has drafted a policy concerning limited duty members in order to determine the best way to get more individuals recovered and fully back to work in field.

-Indefinite leaves

Similarly, there are individuals who have, for all intents and purposes, abandoned their positions. These individuals are generally on leave without pay. In recent months, the Department has begun to separate these individuals from City employment. This action also frees requisitions so that staff can be hired against the funded Full Time Employment (FTE) count for the Department. As individuals are hired to fill these spots, the number of WDOs attributable to individuals on long-term leave without pay.

-Pending Retirements

During this fiscal year pending retirements have had a greater impact on the use of sick leave and the resulting need to hire WDOs. It has been a practice of employees in the Department to use unvested sick leave prior to retirement. As a result, the Department has backfilled the positions held by these individuals for as much as two months. With the new policies on the use of sick leave, it will be more difficult for these individuals to use up nonvested sick leave prior to retirement.

-Committees and Service Organizations

In past years, individuals who served on committees and workgroups were awarded TC (time-coming) for their participation. TC allows an individual to take time off at a future date. Whenever an individual reached the maximum TC of 480 hours, the Department was required to pay the overtime rate for the additional hours. As such, some individuals were paid overtime for their participation. Likewise, individuals who participated in functions held by service organizations such FLAME and the Toy Program were also awarded TC or overtime pay for their participation.

While these activities do not generate the same level of overtime cost as the Department associates with training, light duty, sick leave, etc., there is additional overtime paid for participation in these activities. It is my understanding that the Department is looking into the compensation paid to individuals for these types of activities. However, I am not aware of any specific policy changes that would preclude the current practice.

SUGGETIONS FOR REDUCTION IN OVERTIME IN THIS AREA:

Make it more arduous for those employees who are potentially abusing sick pay
with the requirements for returning to duty involving specific medical
notifications from the employee's physician.

 Consider the repercussions of closing stations to avoid the minimum staffing issues.

The SFFD has increased its vigilance in curtailing and prosecuting fraudulent sickness and compensation claims. In 1999, the Department hired a Nurse Practitioner to serve as case manager on all disability cases of employees. This increased the staffing of the Physician's office, which was only staffed with a physician and an administrative support person.

Within the last few months, the Department initiated weekly meetings that involve the Department Physician, Nurse Practitioner, Human Resources Staff, and the Deputy Chief of Administration. This group has been carefully reviewing the status of individuals on disability and those on modified duty. Modified duty employees are capable of performing some functions but are not fully able to work in the field. Though these employees can be a help to the Department in assisting at various non-suppression units, they are not filling budgeted positions which requires a backfill in suppression resulting in overtime.

Within the past month, the Department's workers comp group (made up of the Department Physician, Nurse Practitioner, Human Resources Director), along with the Chief of Department, met with the newly appointed Director of the City's Worker's Compensation Division. The meeting allowed an open dialogue to discuss the issues and concerns the Department has and how we can enhance the relationship between the two departments to bring any fraudulent claims forward.

Further, the Department has drafted a policy to clarify the modified duty assignments. This policy is with the City Attorney, in review, but its issuance will allow the Department to bring consistency in this area as well, to hopefully reduce limited duty assignments and result in a decrease in overtime costs.

Paul J. Tabacco Acting Chief of Department Fire Department May 25, 2001

The Department has minimum staffing requirements as per the Memorandum of Understanding (MOU) with Firefighters Local 798. As such, when a suppression position is vacant for whatever reason, it must be backfilled. These backfills are done at time-and-one-half. I have put into place an aggressive hiring plan to more adequately address our staffing needs. This hiring has reduced the number of backfills needed on a daily basis. In addition, an updated Sick Rule policy was issued in the fall of 2000 to emphasize the City's policy on the use of Sick Leave and the Department's procedures requiring more vigilance and documentation for member's use of sick leave as allowable under the Civil Service Rules.

The current "Wellness Program" under the MOU for Local 798 expires with the existing contract at the end of this fiscal year. This program will be revisited through current negotiations on the new contract to see if more appropriate incentives can be included to assist with the reduction of sick leave usage.

Additionally, the existing limited duty program is being reviewed as part of the MOU negotiations. The maintenance of a healthy and productive workforce is crucial to the Department's ability to achieve its mission. The limited duty program will allow members who have a temporary illness or injury to continue to serve the Department when they are unable to perform the assigned functions of their position. It has been our experience light duty assignments have had an impact on returning able members to regular full duty in a more expedient manner.

The Department has worked vigorously on those employees who have been considered to be on "unauthorized" absences and as a result conducted approximately 10 automatic resignations. Further, I have restructured the Department's workgroups and committees. The restructuring will assist in lessening the past overtime issues relevant to these groups.

Concerning disabilities and limited duty, the Department has created a committee of staff members that meet weekly to discuss and review disability and limited duty cases. This committee consists of the following Department representatives: Deputy Chief of Administration, Human Resources Director, Physician, Nurse Practitioner, and the Medical Leave Supervisor. Through weekly meetings and discussions, disability and limited duty cases are reviewed on a regular basis. Further, some of these meetings have included representatives from the Workers Compensation Division, who assist with case management and review of possible fraudulent cases as well as members from the Mayor's Office of Risk Management. Not only have disability cases been reduced, but the Department has increased and improved its communication and working relationship with the Workers' Compensation Division. On request, we have supplied Workers' Comp with copies of our recent policies regarding these areas, as they have been impressed with the structure and results of our programs.

Recommendation 8: Investigate Incidents to Discredit the Chief

Investigate incidents determined to be a tactic to discredit the chief. Responsible personnel should be identified and disciplined or terminated.

Responses to Recommendation

Paul J. Tobacco Acting Chief of Department Fire Department October 3, 2000

The "Smokeaters' Gazette" is a publication that has been distributed to fire stations and units anonymously since 1998. The Department has been investigating the matter through working with the City Attorney, and the San Francisco Police Department. To date, the Department has no leads as to the source of the document, yet the Fire Commission, the Firefighters Union and the Department have publicly denounced the publication.

Background

In early 1998, the initial Smokeaters' Gazette was sent to the Deputy Chiefs, the Chief of Department, several division chiefs, and fire stations, anonymously. It was apparent that the newsletter was intended to discredit the Mayor and the senior and executive administration of the SFFD. The newsletters were received in envelopes hand written and without a return address.

In July of 1998 the first of the series of "Smokeaters' Gazettes" arrived. A pattern was presenting itself. The envelopes were originally hand written and without a return address. It was decided that it may be useful to have the letters sent to the Police Department with the possibility of getting finger prints from the gazette inside the envelope if we could attain one that had not been opened. All administrative staff were informed that if an envelope was received without a return address and handwritten, they were not to open it.

The San Francisco Police Department was in the process of investigating a potential hate crime against a member of the senior administration and it was decided that they may be interested in assisting in the investigation of the gazette. The member harassed in the original case was also named in the gazette. A SF Police Inspector was and still is assigned to the investigation.

Over the months the gazette continued though the Department was unsuccessful in providing a copy that fingerprints could be retrieved. The Department met with the Inspector who informed us that the gazette may not be a crime directly, unless a threat was made. The gazette was monitored when it was received for potential criminal activity.

In May of 1999, the "Smokeaters' Gazette" put out a memorandum under the Deputy Chief letterhead and initials. The subject was "Smoke Eaters' Gazette" testing. The Deputy Chief felt that this could be interpreted as forgery. The

Department contacted the Inspector and a meeting was scheduled. Unfortunately, the Department got no results.

The Department's assigned Deputy City Attorney was consulted regarding the latest memorandum. Nothing specific could be done.

The "Smokeaters' Gazette" issued a monthly newsletter through August 1999 with the exception of May and July of 1999 that were tests under the Deputy Chiefs letterhead and initials.

The gazette stopped until January 2000 when the Department received "Smoke Eaters; Gazette Issue II." The gazette had changed. The print was in a different font and format. There was also a disclaimer stating, "An UNOFFICIAL Publication Concerned With The Deterioration of The San Francisco Fire Department Caused by the Use of Race and Gender as Criteria in Hiring and Promotions." It appears that the author/publisher had changed. The gazette was now being distributed quarterly. The last issue was March 2000.

The March issue was significant as the original clippings of the newspaper article being discussed were mailed to one of the members regularly mentioned in the gazette. The original newspaper clippings and other items enclosed in the envelope were sent to the Deputy City Attorney.

In the year 2000, there was an incident in a station that concerned the Gazette. The Department initiated an investigation into that incident, and a decision is forthcoming.

Conclusion

No member of the San Francisco Fire Department has been identified as the author/publisher of the "Smokeaters' / Smoke Eaters' Gazette". Therefore, there has been no discipline or terminations imposed related to the gazette.

Yet, the Department and the Fire Commission take this matter, as well as any other allegations of discrimination and harassment, very seriously and will continue to investigate and review any way to determine who is behind this publication and take necessary steps to stop the newsletter from continuing.

Paul J. Tabacco Acting Chief of Department Fire Department May 25, 2001

The submission of the response to the Civil Grand Jury, I have initiated an overall investigation into the SmokeEaters' Gazette in concert with the Department of Human Resources and the City Attorney's Office. Any resulting information found

to substantiate involvement by Department members will be taken very seriously. Additionally, I issued a Department policy concerning how all members are to act upon finding such publications. In addition I sent a letter to the Union, which was published in the 798 Main line, which reiterates the Departments policy as well as my personal views denouncing the SmokeEaters' Gazette. The Fire Commission also has publicly issued statements denouncing the publication.

Recommendation 9: Deliver Toys in a Less Costly Manner

While Fire Department personnel understandably wish to witness the joy of a child receiving a toy, the City could arrange for the toys to be delivered in a less costly manner.

Responses to Recommendation

Paul J. Tobacco Acting Chief of Department Fire Department October 3, 2000

Background

The Department has historically supported the SF Firefighters Toy Program through assignment of two (2) firefighters to the program for a time period of approximately 3 months, before and during the holiday season. This practice has changed as follows:

ACTIONS ALREADY TAKEN TO REDUCE OVERTIME IN THIS AREA:

The practice of awarding TC for participation was discontinued in 1998. No Time-Coming was awarded to those firefighters assigned for their participation in the Toy Program for 1998 or 1999.

As of September 8, 2000, only one firefighter is currently assigned to the Toy program. No overtime or TC will be granted.

If Light-duty personnel are available during the upcoming holiday season they may be assigned to assist with the Toy Program.

The Department will review its involvement in the program to determine what extent it will participate in the coming year.

Paul J. Tabacco Acting Chief of Department Fire Department May 25, 2001

Since the Department's response to the Civil Grand Jury, the number of personnel directly assigned to the Toy Program has been reduced. Further, I have directed limited duty members when possible to be assigned to assist with the program. This program has proved to be a very valuable community service and has grown proportionally through the years.

Recommendation 10: Identify Causes for Heavy Use of Overtime

A comprehensive study ought to be made of Fire Department activities and policies to determine the root causes of its continuing heavy use of overtime.

Responses to Recommendation

Paul J. Tobacco Acting Chief of Department Fire Department October 3, 2000

The Department, in working and consulting with the Fire Commission, will be initiating actions in these areas, specifically to have a study conducted of the activities that cause overtime, and in appointing a committee to deal with creating controls to reduce overtime. These areas will be reported on by the end of the current fiscal year.

Paul J. Tabacco Acting Chief of Department Fire Department May 25, 2001

This issue has been and still is one of my main priorities since it has both fiscal and safety implications. We have been able to successfully reduce overtime from the time period of January 2001 up to and including the present. This reduction has enabled us to reduce substantially the amount of the Department's supplemental request. The Department will continue to work on productive measures to reduce overtime through more efficient management in all areas of the Department.

Recommendation 11: Appoint an Independent Committee to Work With the Fire Department

An independent committee should be appointed to work with the Fire Department to establish controls aimed at reducing overtime.

MUNICIPAL RAILWAY

Finding: Overtime May Introduce Fatigue to Workers

Of the 3,582 Municipal Railway-funded positions, 1,269 workers received overtime hours greater than 16 percent of their regular hours. Simply put, more than one of every three Municipal Railway workers fell into this category. This level of overtime may introduce a fatigue factor, and further studies may be able to show some linkage between personnel with significant overtime hours and those involved in traffic accidents. Some of the following contributed to excessive overtime in the Municipal Railway:

- Unexcused absenteeism.
- Special events.
- Outdated management information systems.

Recommendation 12: Limit Overtime Through Legislation

Legislation is required that would limit payment for overtime only where the workweek exceeds 40 hours. Employees should not be able to be absent during a regular workday and then receive overtime for working on their regular day off during the same workweek.

Responses to Recommendation

Michael T. Burns General Manager Public Transportation Department January 18, 2001

This recommendation is directed to the Board of Supervisors and Muni. The Grand Jury's recommendation that legislation be enacted to limit payment for overtime only where the workweek exceeds 40 hours, will have to be addressed by the Board of Supervisors as it is outside of our agency's scope of authority.

We agree that employees should not be able to be intentionally absent during a regular workday and then receive overtime for working on their regular day off. A new transit operator contract was recently negotiated and signed under the authority granted to the Municipal Transportation Agency under Proposition E. The contract contains a provision that addresses this particular issue. In order to discourage

unscheduled absenteeism, operators will no longer be paid overtime if they work on their scheduled day off, have called in sick during the regularly scheduled workweek, and have fewer than 80 hours of sick leave. In addition, the contract contains a number of other provisions that are intended to lower operator absenteeism rates and thereby reduce overtime usage. For example, the contract now prohibits the use of unpaid sick leave until all paid sick leave and vacation balances are used. The contract also establishes a new Attendance Incentive Program that rewards operators with excellent attendance by allowing them to cash out a portion of their accumulated sick leave every year.

Michael T. Burns General Manager Public Transportation Department May 21, 2001

Status: Partially implemented.

The Grand Jury's recommendation that legislation be enacted to limit payment for overtime only when the workweek exceeds 40 hours must be addressed by the Board of Supervisors as it is outside of our agency's scope of authority. We agree that employees should not be able to be intentionally absent during a regular workday and then receive overtime for working on their regular day off. A new transit operator contract was signed in October 2000 that contains a provision that addresses this particular issue. In order to discourage unscheduled absenteeism, operators will no longer be paid overtime if they work on their scheduled day off, have called in sick during the regularly scheduled workweek, and have fewer than 80 hours of sick leave.

Recommendation 13: Separately Budget Overtime for Special Events

Overtime incurred for special events should be budgeted separately thereby allowing management to focus on other root causes of overtime not related to special events.

Responses to Recommendation

Michael T. Burns General Manager Public Transportation Department January 18, 2001

Since my arrival at Muni in mid-1999, we have been working to identify the root causes of our overtime usage in order to make sure that overtime is used only when appropriate. Overtime spending for special events is not budgeted separately at this time. However, overtime for certain activities, such as service to Pacific Bell Park, is tracked with special coding which allows us to monitor overtime and other

expenses related to that service. We are planning to conduct a detailed review of all of the Agency's budgeted programs and services this year and will take this recommendation under consideration as we undergo that process.

Michael T. Burns General Manager Public Transportation Department May 21, 2001

Status: We are beginning a detailed review of all of the Agency's budgeted programs and services for the FY2003 budget and are taking this recommendation under consideration as we undergo that process.

Recommendation 14: Update the City's Management Information System

Management has a problem obtaining current data due to its use of technologically outdated information systems. Other departments have similar complaints. The City should analyze its information systems and include in its budget funding for a state-of-the-art management information system that potentially can be shared with all departments having similar needs.

Responses to Recommendation

Michael T. Burns General Manager Public Transportation Department January 18, 2001

This recommendation is addressed to Muni and the City's Human Resources Department. We agree that the majority of the management information systems that Muni relies on are outdated and in need of replacement. We are currently working internally and in cooperation with the City to update and improve our capabilities. Many of the systems we are in the process of developing support the operations of a public transportation operation and may not have relevance to other City operations. However, there are some citywide systems, such as timekeeping and payroll systems, that Muni has participated in the procurement of on a cost-sharing basis. As part of our goal to improve our information systems we are actively seeking both traditional and non-traditional funding sources to cover the significant cost of these improvements.

Some of the projects that are in the planning stages or currently under way are:

- · Accident reporting system
- Replace vehicle maintenance and materials management systems
- · Financial systems integration

- · Human resources management system
- Installation of fiber optics at cable car offices
- · Replace automated claim system
- Replace current Project Management Information System (PMIS)
- Replace Passenger Service Report System
- Replace revenue reconciliation system
- TESS (timekeeping and payroll system) integration and upgrades
- · Upgrade of incident log database
- Automatic passenger counter equipment
- Acquisition of data collection system
- Replace current scheduling and auto dispatch systems
- Upgrade incident log & related databases

Michael T. Burns General Manager Public Transportation Department May 21, 2001

The projects identified in the response dated January 18, 2001 are in the planning stages or in-progress.

GENERAL RECOMMENDATIONS

In addition to the specific recommendations above, the Civil Grand Jury made general recommendations that cover all departments. Department heads are responsible for controlling overtime. The budget process consists of departments budgeting for overtime by generally basing the request upon the prior year's experience. As a result, overtime has become institutionalized as part of the budget. Common experience suggests that a department will find ways to use overtime funds awarded to it in the budget. The City will not be able to control overtime unless the systemic institutionalized process can be diverted to a process which views overtime as an extraordinary expenditure and there is an independent review for all overtime awarded.

Recommendation 15: Reduce Overtime Hours by Using Additional Employment Opportunities

The Civil Grand Jury believes that there are several job classifications that could provide additional employment opportunities while reducing overtime hours. One possibility is the General Laborer (7514) job classification, which appears in the Port Authority, Water Department, and rather extensively in the Department of Public Works. The other consists of the Security Guards (8202), Institutional Police Officers (8204) and even Museum Guards (8226) who received significant overtime hours in various City departments. Additional persons hired into these job classifications could significantly reduce the risks

and expenses involved with the dependency on overtime used to deliver necessary City services.

Response to Recommendation

Edward Harrington Controller Office of the Controller June 25, 2001

Although the Civil Grand Jury requested a response from the Office of the Controller, my office cannot comment on this recommendation. We do not make hiring decisions for other City departments. The departments conduct their own assessments on the need to fill specific job classifications.

Recommendation 16: Budget Discretionary and Emergency Overtime Separately

Discretionary and emergency overtime should be budgeted separately. Only unforeseen events should be considered in the emergency category.

Response to Recommendation

Edward Harrington Controller Office of the Controller January 12, 2001

The Grand Jury has recommended that discretionary and emergency overtime should be budgeted separately, and only unforeseen events should be considered in the emergency category. My office can make changes to the City's financial system to account for such a management decision to categorize and account for two types of overtime. Our office does not, however, have the operational expertise or day-to-day interaction with departmental payroll and program staff to determine the correct allocation or proper tracking of such distinctions.

Recommendation 17: Produce Monthly Overtime Reports

Currently, biannual reports are required where overtime for an employee exceeds 16 percent of base pay. Departments should be required to submit the report at the end of each month. The report should document the name of the employee, the amount of overtime pay earned, the reasons for the overtime and the department's plan of action to eliminate future discretionary overtime.

Response to Recommendation

Edward Harrington Controller Office of the Controller January 12, 2001

The Grand Jury recommends that departments should submit monthly -rather than biannual reports -of individuals earning more than 16 percent of base pay in overtime and department plans to eliminate this overtime use. Should such a change be required, my office can change our existing quarterly reports of high overtime earners to meet the monthly timeline. However, City departments that incurred the most overtime, such as Police, Fire, Muni, and Public Health are not covered by the current Administrative Code provisions. In addition, only department management would be able to speak to the cause of the overtime use and future plans to eliminate it.

Recommendation 18: Establish an Independent Oversight Commission

Although the offices of the mayor and the controller have recently initiated monthly overtime expenditure reports, monitoring of the report requires that it be submitted for review by an independent body, the responsible commission, the mayor and the board of supervisors. Overtime expenditures for all departments should be reviewed by an independent oversight committee appointed by the board of supervisors. If the overtime expenditure is found to be excessive, the department head and oversight committee should work together to develop a plan to control future overtime expenditures. Multiple incidents of excessive overtime expenditures should be brought to the attention of the mayor for possible counseling of the department head.

Recommendation 19: Mayor Should Control Overtime Abuses

The mayor, who has the power to hire and who can influence his or her appointed commissioners to fire department heads, has the ultimate responsibility for controlling overtime abuses. The cycle of overtime use, abuses and pension enhancement can be broken if the mayor exerts leadership by letting department heads know it is City policy that the need for overtime is an extraordinary event and is to be kept to a minimum. It should be the City's goal to have appropriate staffing to fill the justifiable employee needs of the City, to budget for appropriate staffing, and to seek to reduce overtime as a way of life for City employees.

General Responses

Michael T. Burns General Manager Public Transportation Department January 18, 2001

Our department would like to thank the 1999-2000 Civil Grand Jury for their analysis and recommendations concerning overtime practices. We are dedicated to providing a high quality of service to our riders as efficiently and cost effectively as possible. As part of our service delivery goals, I believe that external audits are an important element in helping to strengthen our business practices. We appreciate the assistance of the Civil Grand Jury in this effort and apologize for any delay in delivering our response.

We agree that overtime controls at Muni need to be strengthened and that we need to decrease our overall use of overtime. We have recently made a number of improvements to our performance in this area. However, controlling our overtime usage while striving to meet the level of service required by our riders and the service standards mandated under Proposition E, the Muni Charter amendment that was approved by voters in 1999, represents a significant challenge for our organization and we continue to focus our efforts toward meeting that goal.

John P. Mullane, Jr. General Manager Public Utilities Commission October 18, 2000

Uniquely enough, this section contains a table in the body of the narrative that highlights Water Department employees who received overtime hours greater than 16% of their regular hours, but contains no recommendation(s) specific to the Department.

Recognizing that overtime reduction in the Department is a prudent and necessary goal, the following comments are submitted.

The Water Department, specifically the City Distribution Division (CDD), was one of the eight City departments included in the overtime study. Issues identified and discussed in the report include the number of employees that received overtime hours greater than 16% of their regular hours; employees who had an annual base pay of more than \$40,000 and whose pay was supplemented by overtime hours of at least 25% of their regular hours, and potential benefits and costs due to overtime pension enhancement.

CDD is a twenty-four hour, seven day a week operation. It has two shifts of construction and repair crews working from 8 a.m. until 1:30 a.m., Monday through

Friday, responding to main breaks, service leaks, shutdowns and other emergencies. CDD is the City's designated emergency response agency for any events related to the water system including response to two alarm or greater fires.

Facilities under CDD's care include 12 reservoirs, 18 pumps, 7 tanks and 984 acres of property. The Division is responsible for providing maintenance and repairs, responding to breaks and emergencies for 1250 miles of water distribution mains, 12,500 valves, 27 pressure zones, leak detection, inspection, and maintenance and replacement of 200,000 meters. In addition, the Division is operating the Treasure Island and Yerba Buena distribution systems, all pressure reducing stations and field communication devices, as well as providing reliable customer service consistent with its mission statement.

There are a number of factors contributing to overtime use exceeding 16% of regular hours. The main reason is because businesses, schools, healthcare facilities, residences, and restaurants cannot be without water during the day and frequently evening hours without seriously impacting their operations.

Traffic concerns are often another reason for night or weekend work necessitating overtime work related to shutdowns and main connections. Specific reasons for the level of Fiscal 1999 overtime expenditures were:

- The Crystal Springs Number Two pipeline job done for the City of Brisbane via Water Supply and Treatment Division cost the City Distribution over \$40,000 for overtime. Only \$2,800 dollars of this amount was recovered thus seriously impacting overtime funds.
- The remarkable increases in citywide construction projects resulting in increases in shutdowns and events requiring overtime use. Specifically increases in main and feeder main replacement contracts and other City construction e.g., the 3rd St., 2nd St., South Park St., Brannan St. (all related to the new Ballpark), mains on Bryant St., Spear St. and Franklin St. All such work generally requires overtime. Despite workload increases, staffing has remained constant over the past fiscal years, increasing the need for overtime use.
- Labor arbitration issues related to the scheduling of workers continue to be a
 significant source of overtime expenditures. Specifically, a dispute between
 management and Local 38, Plumbers and Pipe Fitters Union, regarding the
 scheduling of workers on weekends is not yet resolved. Currently and as in the
 past, employees scheduled to work any weekend hours are paid at the overtime
 rate.

The Division has improved productivity in FY 2000, reducing the overtime hours by 8% compared to FY 1999 which translates into cost savings, as shown below:

City Contribution Division	FY 1998	FY 1999	FY2000
Total Overtime by Fiscal Year			
Project and Operating	\$2,255,585	\$2,312,863	\$2,226,679
Total Overtime by Fiscal Year			
Project and Operating	53,459 hrs	53,024 hrs	48,675 hrs
# of Employees over \$100,000			
(Base Salary + OT)	16	21	21
# of Employees where 16% of			
Annual Compensation is Overtime	74	63	56

To effectively manage overtime use and also address the concerns documented in the Grand Jury Report, Management has initiated an overtime audit that speaks to the following issues:

- · Overtime costs and productivity in general
- · Pension enhancement and cost
- Tier 1 employees eligible for pension enhancement
- · Opportunity for pension enhancement
- · Unfilled positions used to fill overtime
- Use of the General Laborer (Job Class 7514)
- Employees who make more than 16% of their salary through overtime
- Employees who make more than \$100,000 in annual compensation through overtime, holiday and standby pay; and,
- · Emergency versus discretionary overtime
- · Shift & weekend scheduling
- MOU constraints

We will report back to both the Grand Jury and the Public Utilities Commission with findings and recommendations upon completion of the audit. A preliminary report will be provided by mid-November, with a final report completed before the end of the year.

Steve Kawa Deputy Chief of Staff Office of the Mayor June 21, 2001

The Mayor's Office continues to monitor the use of overtime and to work with departments to control overtime expenditures without a reduction of city services. The Civil Grand Jury report concludes that the City should hire more general laborers to reduce overtime. The Mayor's budget for FY 2000-2001 did include 60 new general laborer positions to help reduce overtime and increase the effectiveness of our street-cleaning program. In managing overtime overall, the Mayor's office believes that a certain amount of overtime is both necessary and cost effective. In the case of the Department of Public Works, for example, overtime occurs when laborers work at night on street repair projects that might

otherwise disrupt traffic. Projects occur at night in order to reduce inconvenience for city residents, however, night work requires that laborers be paid for overtime.

In the case of the use of overtime by museum and security guards, the amount of overtime fluctuates from month to month depending on the number of exhibits or special events occurring at museums and other public buildings. The Fine Arts Museums, in particular, cannot employ more full-time security guards consistently enough on a daily or even weekly basis to warrant adding any new FTE to the budget. Given the fact that the de Young Museum has closed and that the Asian Art Museum will be closed from October 2001 to July 2002, the Mayor's Office feels that it would be fiscally imprudent to add more guards to the budget.

The Mayor's office monitors each department's overtime use on a monthly basis. Departments have the responsibility for monitoring individual employees. The Mayor's office believes that this recommendation would lead to excessive reporting, resulting not in better management but in additional waste of paper. Much of the "discretionary" overtime that occurs is both cost effective and necessary for the proper functioning of the city.

The Civil Grand Jury concludes that the Board of Supervisors should appoint an independent oversight committee to review overtime expenditures. The Mayor's Office does not agree that an oversight committee would improve control of overtime expenditures given the labor and fiscal constraints of the city as discussed below. However, the Mayor is always open to suggestions from the legislative branch as to how the city can improve its operations and staffing.

The Civil Grand Jury concludes that the City should have a goal of maintaining appropriate levels of staffing. The response remains the same as last fall. Each year the Mayor submits a balanced budget reflecting his priorities within a limited amount of funding. Given the constraints that he must operate within, the Mayor does his utmost to ensure that each department is staffed at a level, which will not require excessive overtime usage, by any one employee or department. Departments with continuing overtime issues tend to be those operating under restrictive policy directives approved by San Francisco voters. The Fire Department, the Police Department and the Department of Public Health must all be staffed at certain levels in order to provide crucial services to city residents. Overtime use occurs when departments cannot practically or legally function with fewer employees, and, unfortunately, it is not always possible to predict staffing problems in advance. Overtime use does not necessarily occur because of a lack of direction from the Mayor's office or lack of effort by the departments. While we continue to work to solve these problems, the realities of a burgeoning city with growing needs and a limited pool of eligible employees present real obstacles to a finding a permanent solution.

CHAPTER 12 IMPLEMENTATION OF PROPOSITION 227 BY THE SAN FRANCISCO UNIFIED SCHOOL DISTRICT

BACKGROUND

The 1999-2000 San Francisco Civil Grand Jury (Civil Grand Jury) investigated the implementation of Proposition 227, a statewide limitation on bilingual education. The Civil Grand Jury followed up on the report by the 1998-1999 San Francisco Civil Grand Jury. The Civil Grand Jury believes that there had been a very serious degree of miscommunication between the San Francisco Unified School District (school district) and the previous Civil Grand Jury.

RESULTS

The Civil Grand Jury made three recommendations and required responses from the following:

Board of Education Superintendent of Schools

Finding: The Former School District Administration Did Not Cooperate Fully With the Previous Civil Grand Jury

There was a large degree of animosity among the members of the 1998-1999 Civil Grand Jury who perceived that their investigation was being obstructed by former Superintendent Rojas. For unknown reasons, the former superintendent did nothing to assuage the Grand Jury's concerns regarding this perception and to some degree prevented an early resolution to this investigation through various delays regarding the taking of testimony as well the production of pertinent documents.

Recommendation 1: The School District Should Cooperate With the Civil Grand Jury

Future administrations of school district would do well to follow the example of the current acting school district administration in cooperating fully with any investigations conducted by the San Francisco Civil Grand Jury pertaining to the school district.

Response to Recommendation

Arlene Ackerman Superintendent of Schools San Francisco Unified School District May 25, 2001

As it indicated in its initial response, SFUSD cannot presently comment on the manner in which previous SFUSD administrations dealt with the Civil Grand Jury. All SFUSD can say is that the present SFUSD administration believes in cooperating with the Civil Grand Jury. That said, SFUSD again underscores what former Superintendent Linda Davis indicated, that counsel for SFUSD and counsel for the Civil Grand Jury must meet promptly to discuss and resolve the ongoing dispute concerning the jurisdiction of the Civil Grand Jury over SFUSD.

"It would greatly improve the public's understanding of the school district and bilingual education in general if more was done in terms of informing the public as to the waiver allowance as well as the pedagogical value the school district perceives in the Dual Language Educational model. The school district should explore the various public relation avenues in this regard."

Finding: The School District Has the Right to Grant Waivers for the English Immersion Educational Mode

The school district is well within its rights to grant waivers for the English Immersion educational model as permitted by Proposition 227, providing these documents are properly filled out and are on site as required by law.

Recommendation 2: The School District Should Inform the Public About Bilingual Education

It would greatly improve the public's understanding of the school district and bilingual education in general if more was done in terms of informing the public as to the waiver allowance as well as the pedagogical value school district perceives in the Dual Language Educational model. The school district should explore the various public relation avenues in this regard.

Response to Recommendation

Arlene Ackerman Superintendent of Schools San Francisco Unified School District May 25, 2001

In addition to continuing to take the steps it outlined in its initial response, SFUSD has developed "Excellence for All: A Five Year Comprehensive Plan to Achieve Educational Equity in the San Francisco Unified School District" (the "Comprehensive Plan"). Developed over a one-year period, this Comprehensive Plan contains detailed, substantive strategies that specifically address bilingual education. One of the specific strategies identified in this Comprehensive Plan is the establishment of a Taskforce on English Language Learner and Language Acquisition programs. A copy of the Comprehensive Plan is enclosed with this letter. [The plan is not included in this report. Please contact the district to obtain a copy.]

Finding: The City Attorney Should Avoid Conflicts of Interest in Serving as Counsel for the Civil Grand Jury

There is still some doubt in the mind of the Civil Grand Jury as to the ability of the City Attorney's Office to avoid conflicts of interest in its capacity as counsel for the San Francisco Civil Grand Jury, particularly in the area of counsel representing various city departments under investigation.

Response to Finding

Louise H. Renne City Attorney Office of the City Attorney October 5, 2000

There should be no doubt about this office's ability to represent diligently and faithfully the Grand Jury in its important function in City government, without any conflict of interest. In our November 1, 1999 response to the 1998-1999 Grand Jury reports, the City Attorney's Office responded in detail to the concerns the Grand

Jury raised about the City Attorney's recommendation that the Grand Jury retain outside counsel to assist in the investigation of the SFUSD. In that matter, there was the potential for the Grand Jury to seek to question legal advice that the City Attorney previously provided to the SFUSD. Although I note that this type of potential conflict has rarely arisen in the many years that the City Attorney has represented the Grand Jury, our handling of the SFUSD matter demonstrates that the City Attorney is fully capable of avoiding conflicts of interest. The Grand Jury should advise me immediately if there is ever a doubt about such a conflict of interest.

Recommendation 3: The City Attorney Should Direct Attorneys Not to Discuss Civil Grand Jury Matters

The City Attorney should direct all attorneys employed by her office that there should be no communication between them and the counsel representing the Civil Grand Jury on any substantive matter including the time or date of any particular interview. Finally, the incoming Civil Grand Jury should be particularly vigilant in this area realizing that any indiscretions on the part of counsel are part of a continuing problem and not an isolated incident.

Responses to Recommendation

Louise H. Renne City Attorney Office of the City Attorney October 5, 2000

I am greatly troubled by the Grand Jury's attack on the integrity of this office, and I strongly disagree with the suggestion that there is any "continuing problem" with "indiscretions" by counsel for the Grand Jury. The report makes no reference to, nor am I aware of, any such "indiscretions," continuing or otherwise. This office takes its duty to advise and represent the Grand Jury very seriously. To the extent that future Grand Juries have concerns about the conduct of attorneys representing the Grand Jury, or the conduct of other attorneys from this office, those concerns should be brought to my personal attention immediately.

Louise H. Renne City Attorney Office of the City Attorney May 25, 2001

As I stated in our October 5, 2000 response to the Grand Jury's report on this subject, I was surprised and troubled by the Grand Jury's attack on the integrity of this office, and I disagreed with the suggestion that there is any "continuing problem" with "indiscretions" by counsel for the Grand Jury. I did not, and do not, believe that it is necessary to make any changes in the way in which this office

handles representation of the Grand Jury. My office adheres steadfastly to our ethical obligations, and I have always instructed my deputies to do everything we can to facilitate and foster cooperation with Grand Jury investigations pursuant to applicable law.

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CHAPTER 13 SHERIFF'S DEPARTMENT

BACKGROUND

The 1999-2000 San Francisco Civil Grand Jury (Civil Grand Jury) investigated the condition and management of the jails in the City and County of San Francisco (City). In general, the Civil Grand Jury found that the physical conditions of the older jails and problems with food, laundry, telephone, and medical services add to the stresses of living and working in the jails for both inmates and staff. A reported staffing shortage in the Sheriff's Department exacerbates the problems, resulting in reduced exercise time for inmates, overworked deputies, and large overtime and worker's compensation expenditures for the department. The construction of a new jail to replace County Jail #3 in San Bruno should greatly improve conditions for inmates presently housed in the old County Jail #3. However, the anticipated new jail should not be an excuse for delay in correcting ongoing problems at County Jail #3 and the other facilities.

The Civil Grand Jury also investigated how inmate property is catalogued and held for inmates and how inmates file grievances and obtain redress for official misconduct or mistreatment. The Civil Grand Jury found that both the property cataloging and grievance procedures need to be altered in order to better protect the property and rights of inmates.

RESULTS

The Civil Grand Jury made 18 recommendations and required responses from the following:

Mayor
Board of Supervisors
City Attorney's Office
Commission on the Status of Women
Sheriff's Department
Sunshine Ordinance Task Force

I. JAIL CONDITIONS

In the summer of 1999, inmate complaints about overcrowding, poor conditions, and alleged mistreatment in the jails culminated in an organized protest by inmates during which inmates threw their breakfast trays on the floor, yelled at deputies, kicked cell doors, and acted out aggressively. For a brief time, the media focused their coverage on jail conditions and the Board of Supervisors held hearings.

When the Civil Grand Jury visited the jails several months later, as well as in the spring of 2000, the Civil Grand Jury found the situation in the jails to have improved since the June 3, 1999 protest. Last summer, the overcrowding in the jails was so severe that many inmates were forced to sleep on the floors of jail cell blocks (also known as "tanks") and even in the prison gym at the Hall of Justice. Today, with the exception of a handful of women inmates in County Jail #9, almost all inmates are sleeping in bunks. While relief from overcrowding is partially due to fluctuations in the inmate population, changes in jail administration were also made to defuse the immediate, tense situation. However, as described below, more needs to be done to improve conditions in the jails and ensure the smooth and just operation of San Francisco's jails, which is vital if effective rehabilitation of criminals is to occur.

Background

The San Francisco Sheriff's Department reported that it currently has a uniformed staff of approximately 780 (with approximately 25 vacancies, the department has a total of 805 funded uniformed positions) and a civilian staff of 133. Together, the uniformed and civilian staff fulfill the department's primary responsibilities of operating the County's jails, providing security for the trial courts, the Youth Guidance Center, and City Hall, and enforcing civil judgments. Around 80 percent of the department's staff either work in the jail facilities or in connection with the placement and maintenance of inmates in custody.

On any given day, the jails house an average population of 2,200 inmates. These inmates are either serving their sentences (for periods up to one year) or awaiting trial. Approximately 600 additional people are not in custody, but are participants in alternative programs offered by the department, such as home detention or assignment to the Sheriff's Work Alternative Program.

Finding: County Jails #1 and #2 Have Ventilation Problems

County Jails #1 and #2 located at the Hall of Justice have noticeable problems with ventilation and air flow which cause great discomfort to staff and inmates, especially in hot weather. The kitchen and laundry facilities, in particular, are difficult to work in on hot days because of the heat emanating from the appliances and the hot water used to wash dishes and clothes. Civil Grand Jury members observed only two fans were present in the kitchen, which were ineffective in circulating the air in the area.

Recommendations I-A: Correct the Ventilation at County Jails #1 and #2

The ventilation problem at County Jails #1 and #2 should be corrected or at least alleviated in some way. Common sense suggests that working in hot, airless conditions often leads to short tempers and aggression, two things which are volatile in a penal setting. The Sheriff's Department should look into short-term and long-term solutions to improve the ventilation in these facilities.

Responses to Recommendation

Michael Hennessey Sheriff Office of the Sheriff October 3, 2000

The Hall of Justice, which contains County Jails #1 and #2 is maintained by the Department of Public Works. The Sheriff's Department has repeatedly requested that improvements be made to the ventilating system in these facilities. The Department of Public Works completed a study of air conditions there and have begun addressing the issue. Over our strenuous objection, this project has been placed at the end of the list of improvements to be made at the Hall of Justice.

Michael Hennessey Sheriff Office of the Sheriff May 25, 2001

We would like to see this implemented immediately, but the Department of Public Works has placed this item near the bottom of a long list of improvements to be made at the Hall of Justice.

Finding: County Jail #3 Needs Some Repairs

The showers in County Jail #3 are in disrepair, with leaking floors, broken tiles, and dirty shower curtains. As with County Jails #1 and #2, there is a problem with ventilation and air flow. Further, the work order system for getting repairs done in the facility is inefficient, with problems noted by staff on work order forms which are routed from supervisor to supervisor before being approved. Because of this system, minor problems can take days and even weeks to be fixed.

Finding: Inmates' Exercise Time Should Be Increased at County Jail #3

Inmates are currently allotted three hours each week of "yard time," during which they are allowed to exercise in the fenced yards behind the jails. Inmates are entitled to the three hours of exercise time per week by court order. However, this is a minimum amount that could be increased by the Sheriff if he chose. While the Civil Grand Jury recognizes that additional yard time adds to the work burdens of deputies, who need to move inmates to and from the cell blocks, keep track of inmates while they are outside of the cell blocks and in the yards, and keep rival gang members and troublesome inmates apart, providing more opportunities to exercise and spend time outdoors would benefit inmates housed in the unventilated cell blocks and cramped cells of this particular jail. Additionally, "vulnerable" inmates such as gay and transgender inmates who are kept in administrative segregation for their protection often do not get even the minimum three hours per week because of the extra work for deputies in scheduling times that do not conflict with the times for the general inmate population.

Recommendations I-B: Repair Showers, Improve Ventilation, Streamline Work Order System, and Give More Yard Time to Inmates

In the interests of inmate safety and hygiene, the showers should be repaired and the ventilation should be improved in all of the cell blocks in County Jail #3. A review of the work order system should be conducted to streamline the process for getting small repairs taken care of in the jail. Lastly, all inmates should be allotted more "yard time," provided that security and other staffing concerns are addressed.

Responses to Recommendation

Michael Hennessey Sheriff Office of the Sheriff October 3, 2000

Disagree. The condition of County Jail #3, which has been well documented, will not be remedied with a streamlining of the work order system, as recommended by the Grand Jury. Historically, 66 to 75% of our facilities maintenance budget each year has been devoted to addressing the overwhelming deficiencies in the major systems at this facility. The only reasonable solution to the obsolete design and deteriorated conditions at this jail is to replace it. I am pleased to report that funding for a replacement facility has been approved by the Mayor and the Board of Supervisors and the signing of a construction contract with Morse Diesel is imminent. The new facility will have recreation yards located immediately adjacent to the housing units, which will facilitate more frequent yard time for prisoners. Meanwhile, we already make every effort to recreate prisoners at County Jail #3 over and above the requirements set forth in Title 15. In the case of vulnerable inmates, their safety remains of paramount concern. Please note that, contrary to

the assertion of the Grand Jury, we do not house transgender inmates at County Jail #3.

Michael Hennessey Sheriff Office of the Sheriff May 25, 2001

Disagree.

Finding: Tuberculosis Isolation Cells in County Jail #8 Do Not Meet Health and Safety Standards

County Jail #8 is one of the new jails located at 425 7th Street in the South of Market area of the City. This jail offers programs for inmates and focuses on skill-building and decision-making in order to prepare inmates for their return to society. Several tuberculosis (TB) isolation cells are available in this jail to house infected inmates. These cells reportedly do not meet health and safety requirements with respect to air volume turnover rate and air pressure (needed to prevent spread of the air to other areas of the jail). According to Sheriff's Department personnel, the jail medical facility located at San Francisco General Hospital also has the same problem with its cells and must house inmates in unsecured rooms guarded by deputies around the clock.

Recommendation I-C: Retrofit Isolation Cells to Meet Regulations

Given the high costs of quartering TB-infected inmates in other locations, the existing cells should be retrofitted to comply with all applicable regulations. Additionally, because inmates are disproportionately low-income persons who have lacked consistent medical care prior to incarceration and who often have pre-existing medical conditions, there is a real possibility that more inmates will become infected with TB or other contagious diseases. As a public health issue, as well as a jails issue, there is a need to plan for additional isolation cells for use by Jail Medical Services to hold infectious inmates. The retrofitting of the TB isolation cells should be undertaken as soon as possible and a plan for addressing the future needs of Jail Medical Services in holding and treating infectious inmates should be prepared.

Responses to Recommendation

Michael Hennessey Sheriff Office of the Sheriff October 3, 2000

Agree. In 1997, the Department of Public Works estimated the cost of retrofitting the isolation cells at County Jail #8 to be \$178,000. The Sheriff's Department's

request for funding for this work has been repeatedly rejected by the Capital Improvements Advisory Committee.

Michael Hennessey Sheriff Office of the Sheriff May 25, 2001

We would like to see this immediately implemented, but this project has repeatedly been rejected by the Capitol Improvements Advisory Committee.

Finding: The Women's Section in County Jail #9 Is Overcrowded

County Jail #9 is also located at the new building at 425 7th Street. Serving as the booking and intake/discharge jail, County Jail #9 books approximately 150 inmates every day, with peak booking times occurring at 10 p.m. and 2 a.m. Civil Grand Jury members noted that the women's section in this jail is overcrowded. Several women inmates are forced to sleep on the floor as there are not enough beds. Interestingly, a number of deputies (male and female) indicated that they prefer working with male inmates, stating that female inmates are more disruptive and exhibit more aggressive and violent behavior than the male inmates. Whatever the reasons are for this behavior, the overcrowded condition of the women's section undoubtedly adds to the problem.

Recommendations I-D: Reduce Overcrowding of the Women's Section and Investigate Causes for Disruptive Behavior

A plan to reduce the overcrowding in the women's section of County Jail #9 and to address the future needs for housing a growing population of female inmates should be prepared by the Sheriff's Department. The Sheriff's Department should also investigate the causes (e.g., mental illness, jail conditions) which lead to the disruptive and aggressive behavior of female inmates and implement a harm-reduction policy to better protect inmates and staff from problem inmates.

Responses to Recommendation

Michael Hennessey Sheriff Office of the Sheriff October 3, 2000

Disagree. County Jail #9 is an intake and release facility which contains holding cells for use while inmates are being processed in or out of the jail. It contains no beds and is not intended for or used for housing prisoners. It would defeat the purpose and function of this facility to "add beds" to it and there are no plans to do so. A high proportion of female --and male --arrestees arrive at County Jail #9

suffering from physical and mental illness as well as the effects of substance abuse. The design and staffing of this facility by the Sheriff's Department and the Department of Public Health facilitate rapid triage and detection of such conditions. Within the last year, these two departments collaborated to apply for and secure state Mentally III Offender Crime Reduction funding to address the needs of this population by streamlining access to appropriate treatment with the goal of reducing recidivism.

Michael Hennessey Sheriff Office of the Sheriff May 25, 2001

Disagree.

Finding: Selection Procedures for Participating in Rehabilitation Programs in County Jail #7 Should Be Reviewed

County Jail #7 is the San Bruno program facility that houses 336 inmates. With an average length of stay of 45 days, inmates participating in County Jail #7's various rehabilitation programs (such as the drug treatment program Roads to Recovery, the domestic violence program Resolve to Stop the Violence Project, and English as a Second Language (ESL), general equivalency diploma (GED), and adult basic education programs) purportedly have a far lower recidivism rate than inmates who do not participate in these programs. Open slots in County Jail #7's program beds are filled by inmates housed at County Jail #3 next door. Eligible inmates are identified by deputies and program staff (who are non-deputized and non-uniformed Sheriff's Department personnel), based on classification and other factors such as behavior while in jail, or placed in the programs through court-mandated participation. Inmates can also be removed from programs upon the recommendation of deputies and program staff.

Inmates have alleged that the current process for program participation allows deputies and program staff to penalize certain inmates (such as homosexual or transgender inmates or inmates who file grievances against staff) by denying them the opportunity to participate in a program (and therefore be housed in the newer facility). Inmates separated from the main population because they are "vulnerable" are also prevented from participating in the programs because they cannot mingle with other inmates in County Jail #7's "pod" housing (where inmates eat and sleep together in an open, dorm-like room monitored by deputies, as opposed to in cells).

Recommendations I-E: Review Selection Process for Rehabilitation Programs

The process by which inmates are selected to participate in the rehabilitation programs should be reviewed to eliminate the possibility that an inmate may be unfairly denied

participation in or removed from a program without proper justification. Reasonable accommodations should be made to allow vulnerable inmates to participate in the programs.

Responses to Recommendation

Michael Hennessey Sheriff Office of the Sheriff October 3, 2000

Agree. Vulnerable inmates, including transgender inmates, who do not otherwise present a security risk, are housed in podular housing at County Jail #8, where they have access to a wide variety of programs. The replacement facility for County Jail #3 will contain podular single cell housing which will increase our ability to accommodate the needs of vulnerable inmates.

Michael Hennessey Sheriff Office of the Sheriff May 25, 2001

Agree. Implemented.

Finding: The Newly-Installed Jail Telephone System Has Problems

In March 2000, the installation of a new jail telephone system in all of the county jails was completed. Instead of the old coin-operated telephone system, all of the jails now have new telephones which allow inmates to place collect and debit calls (calls paid with cash held in an inmate's commissary account). A new, non-coin-operated telephone system was necessary because the contract for the old system expired and could not be renewed and because the presence of coins in the jails led to problems of theft and extortion among inmates.

Virtually all of the inmates with whom Civil Grand Jury members spoke complained about the new telephone system, the installation and implementation of which has been plagued with computer glitches and equipment problems. The Sheriff's Department and the vendor have reportedly fixed the installation problems. Inmates, however, are most upset that the cost of making a local call has increased more than seven times the previous \$0.35 cent rate.

A local call in the 415 area code now costs inmates \$0.75 cents for three minutes. Every minute after the first three minutes is billed at \$0.15 cents per minute. No phone call may last longer than 15 minutes. A 15-minute phone call therefore ends up costing \$2.55. The

Sheriff's Department claimed that the high charge reflects several factors, among them a state Public Utilities Commission (PUC) additional surcharge which the PUC places on all calls made by inmates from jail. Thus, all calls, whether collect or debit, will cost more than a collect or calling card call placed by someone outside of jail.

The part system operates through the use of a personal identification number (PDI), which

The new system operates through the use of a personal identification number (PIN), which each inmate is given upon entering the jails. This PIN must be entered every time an inmate places a call from a pay phone located in a cell block. The charge for the call is then deducted from the inmate's commissary account, which holds money deposited by friends or family or other third parties. If an inmate makes a collect call, the person receiving the call must accept the charges. Phone dialing instructions are posted in the cell blocks and inmates are instructed how to use a PIN and the phones and told about the cost of calls.

Although the Sheriff's Department reported that it did not expend any county funds to create or install the new system (the costs of which were paid for by the vendor), the Sheriff's Department does receive funds in the form of commissions and bonuses from the telephone vendor. This practice is not uncommon in the contracting for jail and prison telephone services. As documented in articles in local and national newspapers, several states take bids on their prison telephone service contracts, which go to the service provider paying the highest commissions. The State of California reportedly received \$16 million in 1999 and is likely to receive in excess of \$20 million from the telecommunications providers for the state prison telephone system for the year 2000. Similarly, the April 22, 1999 contract for jail telephone service, executed between the Sheriff's Department and the service provider PCS Public Communications Services (PCS) of West Los Angeles, provides for the Sheriff's Department to receive a 'set commission' of \$0.30 cents per "local" debit telephone call placed from the jails.

The contract also allows the Sheriff's Department to increase the \$0.75 cent-initial rate for the first three minutes of a call when it chooses and the amount of the increase will be directly added to the Sheriff's Department's commission "on a one-to-one basis." For all collect local and toll calls (non-long distance calls), the Sheriff's Department receives 35 percent of the total of all gross chargeable revenues generated by use of such telephones for those calls. For all long distance calls, the percentage is increased to 40 percent. Last but not least, the Sheriff's Department is also paid an additional annual bonus of \$5,000, the first payment of which was due three months into the contract and thereafter every February 1st. Thus, at the end of the five-year contract, the Sheriff's Department will have realized a \$25,000 bonus paid by PCS.

By state law (Penal Code Section 4025(d)), any money, refund, rebate or commission received by a county sheriff from a telephone company or pay telephone provider and attributable to inmate use of telephones while incarcerated must be deposited into the Inmate Welfare Fund. Money deposited into the Inmate Welfare Fund must primarily be spent for the "benefit, education, and welfare" of the inmates, but may also be spent for jail maintenance and essential clothing and transportation expenses for indigent inmates about to be released from jail (Penal Code Section 4025(e), (i)). The commission and bonus checks to which the Sheriff's Department is entitled under the terms of the PCS contract are to be made out to the Sheriff's Bureau of Building Services. Although the use of these

funds may lawfully be directed to Building Services functions that indirectly benefit inmates through facility maintenance, inmates would no doubt prefer to benefit more directly from the funds obtained through the contract by paying less for phone calls.

Higher phone call costs are a particularly hard burden on inmates and their friends and families, who tend to be low-income. If, as reported by a 1998 study by the Florida House of Representatives, inmates who keep in contact with friends and family during their incarceration have a reduced rate of recidivism, discouraging telephone calls by inmates is bad public policy. By making the cost of keeping in touch with people on the outside prohibitive, the Sheriff's Department essentially erects an artificial barrier to rehabilitation.

Recommendation I-F (1): Report on the Cost of Calls in the Jail Telephone System

The Sheriff's Department should publicly report on the basis of the high cost of calls made through the jail telephone system and the use of the commission and bonus funds received from the vendor for the Inmate Welfare Fund.

The Sheriff's Department claimed that the high cost of the calls was set by the vendor in conjunction with the PUC, which allegedly places a surcharge on all calls made from county jails. An "inmate surcharge", ranging from \$1.15 to \$3.95 per call, is placed on all calls made from inside of the jails, with the exception of local debit calls. The Civil Grand Jury was unable to obtain information from the Sheriff's Department or the PUC office in San Francisco about the inmate surcharge and, specifically, the purpose and authority for the collection of that surcharge. A report from the Sheriff's Department detailing the basis for the cost of the calls is required to fully understand and document the various surcharges and taxes applied to the calls and paid for by inmates and their families.

Responses to Recommendation

Michael Hennessey Sheriff Office of the Sheriff October 3, 2000

Agree. The Sheriff's Department remains committed to finding ways to reduce costs to inmates and their families and not simply capitulating to the "collect call only" system that is found in all state prisons and all but a very few county jail systems. The Sheriff's Department has publicly reported on the new inmate telephone system, detailing costs and benefits to the Inmate Welfare Fund, which is authorized by state law and funds educational programs throughout the jails as well as toiletries and other items for indigent prisoners. The Inmate Welfare Fund budget, detailing income and expenditures, is posted in each housing area of the jails and is submitted to the Board of Supervisors each year. The Civil Grand Jury was provided with a complete explanation of the method by which telephone rates are calculated, and should be well aware of the Sheriff's Department's frustration

with what has become the industry standard for telephone systems operated in jails and prisons. We currently feature the lowest cost system available and are enhancing that system with debit cards that will be available in the jails beginning in October.

Michael Hennessey Sheriff Office of the Sheriff May 25, 2001

Agree. At this time, there are no alternative telephone systems available, but we continue to monitor the industry.

Hilda R. Bernstein Chair Sunshine Ordinance Task Force November 30, 2000

The Sunshine Ordinance Task Force concurs that the documentation cited as not available (a report about the inmates' phone call charges and earlier copies of the Operations Manual) are public records and therefore should be readily available, without undue delay.

Recommendation I-F (2): Enact Legislation to Regulate Awarding Jail Telephone Services

The Board of Supervisors should enact legislation similar to California Senate Bill 1978 regulating the award of the jail telephone service contract for the county jails.

Senate Bill 1978, introduced by Senator Tom Hayden in February 2000, seeks to enact legislative findings and declarations about the provision of telephone services to wards of the Department of the Youth Authority or to inmates in state prisons. More importantly, the bill would require that any contract to provide such telephone services be negotiated and awarded in a manner (i) to provide for the lowest possible costs to wards and inmates, (ii) to pay for any expenses of the Department of Corrections and the Department of the Youth Authority, as well as for the reasonable costs of the Department of General Services for establishing and administering the telephone contract, and (iii) so that profits to these departments or the state are not be a basis for awarding a contract. Because this bill, if passed, apparently will apply only to the state prison system, similar legislation at the county level is needed in order to ensure that the telephone service contract for the county's jails puts the interests of inmates and their families first and foremost.

Responses to Recommendation

Michael Hennessey Sheriff Office of the Sheriff October 3, 2000

Agree, however, the surcharges applied to calls generated from the San Francisco County Jails do not fund the Inmate Welfare Fund, as has been explained to us and to the Grand Jury by the PCS, the telephone service provider. The surcharges in question, which have been approved by the California Public Utilities Commission, are intended to compensate telephone service providers for losses they perceive are incurred due to a high rate of fraud and nonpayment of bills generated by prisoners and the people they call. The Sheriff's Department has asked for, but not been provided with, documentation that such fraud exists. We continue to advocate on behalf of prisoners and their families to eliminate excessive surcharges. Income to the Inmate Welfare Fund is not, and never has been, the basis for choosing a telephone service provider.

Michael Hennessey Sheriff Office of the Sheriff May 25, 2001

Agree, however, the Civil Grand Jury misunderstands the source of the Inmate Welfare Fund. There is nothing here to implement.

Finding: Medical Treatment of Inmates May Not Be Adequate

On June 28, 1999, inmate Vincent Hines was found dead of a heart attack in his cell by deputies doing a scheduled walk-through of the cell block. Mr. Hines had been placed in lockdown for organizing the June 3 protest by inmates about conditions in the Hall of Justice facilities. A review of the incident reports filed by deputies present at the time reveals that early on the morning of June 28, Mr. Hines was visibly in pain and that he clearly stated to deputies that he was having chest pains. Mr. Hines was taken to see jail medical staff who checked his condition. He was returned to his cell and found dead soon after.

The incident reports indicate that jail medical staff did not give Mr. Hines additional medication or advise him not to self-medicate by taking additional doses of medication he had been prescribed earlier. There appears to be a question as to whether or not sufficient explanation was given to Mr. Hines about the medication he was taking at the time and the pain he was experiencing. Arguably, more care could have been taken with Mr. Hines, who had a history of cardiac problems.

Recommendation I-G: Next Civil Grand Jury Should Review Inmate Medical Care

The Civil Grand Jury did not fully investigate the death of Mr. Hines and, therefore, does not make any recommendations here with respect to that matter. However, several inmates to whom Grand Jury members spoke complained that the medical treatment they receive in the jails is cursory and that medical staff respond to emergencies, while disregarding inmates with chronic conditions and sparing little time to listen to or advise them about treatment. Medical grievances also represent the greatest number of grievances filed by inmates. The 2000-2001 Civil Grand Jury may want to look at the larger issue of whether or not the medical care received by inmates is adequate.

Responses to Recommendation

Michael Hennessey Sheriff Office of the Sheriff October 3, 2000

Although the Civil Grand Jury does not seek a response, it should be noted that the Department of Public Health is responsible for the provision of medical and psychiatric services to prisoners in the county jail, and should be included in any future evaluation of prisoner medical care.

Michael Hennessey Sheriff Office of the Sheriff May 25, 2001

This matter is more appropriately addressed by the Department of Public Health.

Finding: Inmates Complain That Food Service Is Inadequate

The jail food service contract with Aramark Correctional Services states that inmates should receive two hot meals and one cold lunch (usually sandwiches) every day. State dietitians approve the daily diets and the menus are rotated periodically. Many inmates continue to complain, however, that the amount of food served is inadequate, that the food is often served cold, and that there is no hot water for commissary items such as coffee, tea, and Cup-A-Noodle®.

Recommendation I-H: Address Complaints About Food Service

Efforts in this area, which are relatively economical, could yield significant improvements in inmate perspective and attitude about the conditions of the jails. One inmate mentioned that the practice of rewarding inmates who kept their tank the cleanest with cookies was an

effective incentive. Inmates in the jails have long made complaints about the food. The Sheriff's Department should address these complaints to see if the food service can be improved and hot water provided.

Responses to Recommendation

Michael Hennessey Sheriff Office of the Sheriff October 3, 2000

Agree. A registered dietitian routinely monitors the food provided to prisoners to ensure nutritional quality and compliance with Title 15 standards. Complaints about food are investigated and corrected.

Michael Hennessey Sheriff Office of the Sheriff May 25, 2001

Agree. Has been standard procedure for at least 10 years.

Finding: Laundry Service Needs to Be Improved

The Sheriff's Department states that ideally inmates would receive a change of clothing and bedding several times a week. Inmates told Civil Grand Jury members that they do not always receive clean clothes even once a week. Part of the problem is caused by the fact that inmates do laundry for the jails as a work-detail job. Broken equipment (such as the burned-out washer and dryer in County Jail #1) that is not quickly replaced, and low output on the part of those doing the laundry result in backlogs of dirty laundry and shortages of clean laundry.

Another reason for the laundry service difficulty in recent months is that there has been a shortage of clothing for inmates. Penal Code Section 4015 states that "[t]he board of supervisors shall provide the sheriff with necessary food, clothing, and bedding, for [all persons committed to jail], which shall be of a quality and quantity at least equal to minimum standards and requirements prescribed by the Board of Corrections for the feeding, clothing, and care of prisoners in all county, city, and other local jails and detention facilities." The contract for inmate clothing goes through the typical government approval and bid process. The Sheriff's Department reported that the successful lowest bidder for the clothing contract in recent years met the minimum clothing requirements, but that this resulted in a supply of cheap, poorly-made clothing that wore out quickly, causing a shortage to develop. When the supplier went out of business, the Sheriff's Department had no recourse against them to obtain replacement clothing.

Recommendations I-I: Consider Contracting Out Laundry Service

The Sheriff's Department should look into contracting out laundry service and ending the use of inmates to do the laundry in order to ensure a regular, dependable schedule for the exchange of laundered clothing and bedding. The Sheriff's Department and the Board of Supervisors should also look into the contract bidding process to see if it can be amended to allow for consideration of other factors besides bid price, such as the quality of clothing and customer support provided. Additionally, a stockpile of extra clothing and bedding should be maintained for use in times of increased populations in the jails.

Response to Recommendation

Michael Hennessey Sheriff Office of the Sheriff October 3, 2000

Agree and Disagree. Laundry equipment has been repaired or replaced where necessary, and the supply of inmate clothing, towels and linen has been increased. The Sheriff's Department has evaluated the cost of contracting out laundry service and found it to be prohibitive.

Finding: The Sheriff's Department Staff May Be Short of Staff

In spite of annual increases in funded positions, from 818 in Fiscal Year (FY) 1997-1998 to 845 in FY1998-1999 and 897 in FY1999-2000, the Sheriff's Department reports that it has a shortage of deputies in the jails. The department's shortage of staff has apparently resulted in a departmental overtime budget that will be exceeded by \$4.9 million in FY 1999-2000 because deputies have been assigned mandatory overtime shifts. Workers' compensation claims will also cause the department's budget to be exceeded by 40 percent, with at least \$1,370,493 to be paid in claims for the 1999-2000 fiscal year.

The reported staffing shortage is allegedly compounded by the fact that more duties are being given to the Sheriff's Department. In addition to providing security for the county trial courts and the Youth Guidance Center, Sheriff's Department deputies are now required to provide 24-hour security for City Hall in order to protect city and county elected officials and employees working late hours.

Recommendations I-J: Obtain Additional Personnel

If, as the Sheriff's Department reports, there is a staffing shortage in the jails, additional resources should be dedicated to the Sheriff's Department in order for the department to hire qualified applicants and retain existing staff. Improving the physical conditions of the jails, thereby alleviating some causes of inmate aggression, will also improve the working

conditions of deputies. The Sheriff's Department should consider the substitution of security guards for deputies wherever appropriate.

Responses to Recommendation

Michael Hennessey Sheriff Office of the Sheriff October 3, 2000

Agree, however, while the Sheriff's Department would welcome additional resources to aid us in recruitment of applicants, the solution to the problem of staff shortages throughout the Sheriff's Department is not simply, "additional resources." The Sheriff's Department, like law enforcement agencies nationwide, is experiencing difficulty attracting qualified candidates because the very healthy economy and job market offer far better paying opportunities than those available in law enforcement. Compounding the problem for us is the recent decision by the San Francisco Police Department to solve their personnel shortage problems by allowing lateral transfers and actively recruiting staff from the Sheriff's Department. This will continue to be a problem until deputy sheriffs receive pay and benefits comparable to police officers. The Sheriff's Department already uses non-sworn cadets under the supervision of deputized staff, where appropriate, to perform building security functions, process participants in jail alternative programs, and perform administrative work.

Michael Hennessey Sheriff Office of the Sheriff May 25, 2001

Agree. However, the solution is more complex than the simply "additional resources." Implementation of solutions is a matter to be addressed by the Mayor and the Board of Supervisors.

II. HANDLING OF INMATE PROPERTY

Background

The Civil Grand Jury conducted an inquiry into the management of the Property Room located in the Sheriff's Department Intake/Release Center (IRC) at County Jail #9. There are approximately 150 bookings per day. It is estimated that there will be 55,000 total arrests in a typical year. All of these will require the handling of property and clothing. The Property Room appears to be efficiently operated, featuring a long, mechanized overhead track on which hang 2,600 numbered garment bags that contain the personal belongings of inmates.

This modernized system has contributed to a reduction in the number of lost property claims filed against the Sheriff's Department. Nevertheless, this new property room, which has existed for only three years, needs more space. It is presently in an overflow situation. Furthermore, additional steps can and should be taken to further reduce the quantity of claims, and insure the proper safeguarding of funds and property.

Finding: Inmates Are Not Submitting Lost Property Reports to the Correct Department

Under the current system, some inmates should have filed lost property claims against the Police Department, not the Sheriff's Department, since arresting officers normally confiscate, inventory, and seal arrestees' property other than their clothing. Also, inmates who claim losses while in the custody of the Jail Medical Services should file against the Public Health Department, not the Sheriff's Department.

Recommendation II-A: Reassign Claims

Claims against the City should be reassigned by the City Attorney to either the Police or Health Department after the Sheriff determines the claim was incorrectly filed against his department. The reassignment should commence a new statute of limitations.

Responses to Recommendation

Michael Hennessey Sheriff Office of the Sheriff October 3, 2000

This recommendation is more appropriately addressed by the City Attorney's Office.

Michael Hennessey Sheriff Office of the Sheriff May 25, 2001

This matter is more appropriately addressed by the City Attorney's Office.

Louise H. Renne City Attorney Office of the City Attorney October 5, 2000

The Grand Jury's report on the handling of inmate property claims does not make specific findings, but rather contains narrative conclusions, followed by recommendations. We do not have adequate information to agree or disagree with the Grand Jury's factual conclusions relating to other departments in this report. Accordingly, we respond only to those conclusions that relate to this office.

We agree with the Grand Jury's characterization of our office's records concerning inmate claims. We do not have adequate knowledge of the Sheriffs records concerning inmate claims to comment on the Grand Jury's assertion that the City Attorney's records are more comprehensive than those maintained by the Sheriff. We agree that under the current system, inmates whose property is confiscated by the police should file claims against the Police Department rather than the Sheriffs Department. We also agree that inmates who claim losses while in the custody of Jail Medical Services should claim against the Department of Public Health rather than the Sheriffs Department.

When the City Attorney's Office receives a claim, we have to try to determine the department to which the claim relates based on the information in the claim. Often, claims by prisoners are difficult to decipher, and frequently the claimants are not clear about which department allegedly lost their property. The City Attorney's Office strives to identify the appropriate department when the claim arrives. If that department responds that it has no information about the lost property, the City Attorney's Office forwards the claim to another department only if it is clear that such other department was involved. In all other cases, the City Attorney's Office is forced to deny the claim for lack of information. Where one department refers the City Attorney's Office to another department, the City Attorney's Office will not automatically deny the claim, but will instead refer the claim to the second department.

There are two possible statutes of limitation that apply to claims. If the City Attorney's Office never denies the claim, the statute of limitation is two years from the date of the incident. If the City Attorney denies the claim, the statute of limitations is six months from the date of the denial. Because of this protection, there is no need to "commence a new statute of limitation" for claims that are not denied.

Louise H. Renne City Attorney Office of the City Attorney May 25, 2001

For the reasons set forth in my October 5, 2000 response to the Grand Jury's report, this recommendation does not require any change in procedures by the City Attorney's Office.

Finding: Processing Inmate Claims for Commissary Items Should Be Simplified

Many inmates claim losses after being transferred from one jail to another for a number of reasons. Their personal property, usually commissary purchases, normally does not accompany them. Inmate claims, without outside collaboration [sic], are usually denied. For example, Claim Number 98-00120 was for a \$14 wedding band. The Sheriff's Department acknowledged receiving the ring, but was unable to locate it. The Sheriff's Department then recommended that the "claim be paid in the amount of \$100." The City Attorney's record shows the case was closed, but no amount was paid. On the other hand, Claim Number 99-01071 was paid because the inmate's father was able to produce the subscription invoice to Playboy Magazine®. Claim Number 99-01983 received money because a police officer went out of his way to write and confirm that the inmate had the food stamps when arrested. Another Claim Number 99-03450 was paid because the medical equipment supply company confirmed that the inmate was a user of their wheelchair at the time he was arrested and placed in the Sheriff's Department's custody.

Recommendation II-B: Reimburse Claims for Commissary Items

In those instances when a claim is for commissary items, the Sheriff's Department should, after verifying the purchase, generally reimburse the inmates with in-kind products. This procedure would short-circuit the costlier, full-blown investigatory claim process, which involves a host of personnel from the offices of the Sheriff, the Controller, and the City Attorney.

Responses to Recommendation

Michael Hennessey Sheriff Office of the Sheriff October 3, 2000

Disagree. If implemented, a policy of simply replacing commissary items alleged to be lost in prisoner transfer creates an incentive for prisoners to claim losses that did not occur, which will lead to increased replacement costs. The current system

allows an evaluation to be made of the - validity of lost commissary claims and expedient replacement where warranted.

Michael Hennessey Sheriff Office of the Sheriff May 25, 2001

Disagree.

Louise H. Renne City Attorney Office of the City Attorney October 5, 2000

The section on inmate claims contains no findings or conclusions, but points out that the City usually denies inmate claims that lack outside corroboration, while claims with outside corroboration are paid more frequently. We agree with these generalizations.

The City Attorney's Office is interested in creating more efficient ways of responding to claims. We would support the Sheriffs Department's development of a system to reimburse inmates for lost commissary items, since we agree that these items should not generally be sent through the normal claims processing procedures. Whether or not this approach is practical, however, is a policy matter for the Sheriff.

Louise H. Renne City Attorney Office of the City Attorney May 25, 2001

As explained in our October 5, 2000 response, we are interested in creating more efficient ways of responding to claims, and we agree that these items should not generally be sent through the normal claims processing procedures. The new head of the City Attorney's Claims Division, Deputy City Attorney Matthew Rothschild, would be happy to work with the Sheriff's Department to improve the efficiency of procedures for handling these types of claims. However, the decision as to whether or not to implement the approach recommended by the Grand Jury is a policy matter for the Sheriff

Finding: More Space Needed for the Property Room

Even though the property room is relatively new, its space is already insufficient to accommodate the demands of handling prisoner property. There is a heavy and varied

demand put on this facility in the form of (1) female custody property; (2) the lack of booking resources at Southern Station and at the Tenderloin Headquarters that require those arrests to be handled by the IRC; (3) the needs for medical and biohazard material to be stored in special bags in a separate area; and (4) the approximately 55,000 arrests that occur each year. Furthermore, there are bulk storage problems in the facility for such odd sized property as wheelchairs, bicycles, walkers, etc.

Recommendation II-C (1): Increase Space for the Property Room

Should space become available at the Hall of Justice, consideration should be given to allow the Property Room to use extra space so that any overflow of property can be better tracked and safeguarded. Consideration should also be given to bringing in experts to evaluate the Property Room to insure optimum use of available space.

Responses to Recommendation

Michael Hennessey Sheriff Office of the Sheriff October 3, 2000

Disagree. The new property room at County Jail #9 is a vast improvement over the tiny room in the basement of the Hall of Justice that until 1995 contained inmate property. To begin placing property in several locations rather than keeping it consolidated in the new facility is inviting replication of the very problems we solved with the new facility. While more space is always better than less, the likelihood of obtaining more space is remote, at best. The existing property room has been instrumental in reducing drastically the number of lost property claims.

Michael Hennessey Sheriff Office of the Sheriff May 25, 2001

Disagree.

Louise H. Renne City Attorney Office of the City Attorney October 5, 2000

Again, the Grand Jury makes no findings or conclusions concerning its review of property room work space. The Grand Jury's narrative points out that the property room is already overburdened. The City Attorney's Office lacks adequate information with which to agree or disagree with the Grand Jury's statement.

The City Attorney's Office agrees that the City must track and maintain the personal property of prisoners. We do not see any legal issues with the recommendation as it stands. However, we would be happy to work with the Sheriffs Department to determine if there are ways to reduce the number of items put into its safekeeping, and to provide any other assistance the Sheriffs Department needs with regard to using its space most efficiently.

Louise H. Renne City Attorney Office of the City Attorney May 25, 2001

As set forth in our October 5, 2000 response, we agree that the City must track and maintain the personal property of prisoners. We do not see any legal issues with this recommendation. Decisions concerning the use of space at the Hall of Justice are policy matters for the Police and Sheriff's Departments. We remain willing to advise on any legal issues that may arise if these departments decide to implement this recommendation.

Recommendation II-C (2): Increase Camera Surveillance

The camera surveillance area should be expanded to cover the Property Intake window, thereby reducing opportunities for arbitrary and punitive behavior, which could be meted out by the constantly rotating staff. Consideration might also be given to conducting an occasional internal sting operation.

Responses to Recommendation

Michael Hennessey Sheriff Office of the Sheriff October 3, 2000

Disagree. There is no evidence to suggest that staff is engaging in "arbitrary and punitive behavior," nor that a "sting operation" is warranted. Funding required to install surveillance cameras and conduct such operations is far better used on more important projects.

Michael Hennessey Sheriff Office of the Sheriff May 25, 2001

Disagree.

Finding: Operations Manual Needs to Be Improved

The Civil Grand Jury detected carelessness with respect to details related to the Operations Manual:

- The Sheriff's Department was unable to provide any copies of manuals used prior to the current one.
- Nowhere in the current manual are there instructions about the disposition of unclaimed or non-returned property, yet the Sheriff's Department routinely conducts periodic inventories of "old" property and disposes of such property.
- Roman numerals were used to separate various major phases of staff responsibilities, but they were often incorrect. For example, VIX [sic] was used supposedly to represent both the ninth and tenth phases. These errors then triggered another series of numbering errors.
- Throughout the manual, i.e. (meaning "that is") was used when the correct abbreviation should have been e.g. (meaning "for example").
- Lastly, though minor, apostrophes, when used, were often used incorrectly and at other times were not used when they should have been.

There is no statistical evidence to justify the policy that property from all women in custody must be inventoried. In counting the female names listed on the City Attorney's Office report attached as Attachment 3 only 36 women filed claims during the surveyed five-year period and some of these inmates were repeat claimants. Forty-five percent of these claims were for amounts less than \$100, and only two of the claims were paid by the City. [The attachment is not included in this report and may be obtained from the Civil Grand Jury]

When one Property Room deputy returned to his desk, we observed many loose dollar bills of various denominations in a locked, but unorganized desk drawer.

All of these combined elements leave the impression that the Sheriff's Department concentrates primarily on the confiscation of inmates' personal belongings and pays insufficient attention to the details of the safeguarding and return of those items to their rightful owners.

Recommendations II-D: Revise Operations Manual

The Operations Manual should be reviewed, corrected, and revised. Among the many changes should be the elimination of the requirement that all women must have their property inventoried, a requirement not applied to male inmates. There should be a new section incorporating the issues and disposition of property not returned to the proper owner. Proper procedures for cash handling and safeguarding funds should also be described. Finally, earlier versions of the manual should be retained to protect the legal rights of the City and County.

Responses to Recommendation

Michael Hennessey Sheriff Office of the Sheriff October 3, 2000

Disagree. The suggestion that the existing property manual be reviewed is a worthy one, and we will endeavor to correct the shortcomings noted regarding the disposition of unclaimed property. However, the Civil Grand Jury is misinformed on the contents of the current manual. For example, all inmate property is inventoried, not just that belonging to female prisoners. If implemented, the recommendation that we stop inventorying property would make it impossible to evaluate the validity of lost property claims.

Michael Hennessey Sheriff Office of the Sheriff May 25, 2001

Disagree.

Sonia Melara Executive Director Department on the Status of Women December 27, 2000

We have contacted the Sheriff's Department to obtain information regarding their present practices. It is our understanding that they have responded to the Grand Jury Recommendations and have informed you that there seems to be a misunderstanding regarding the handling and inventorying of women's property. The Sheriffs Department has informed us that all inmate property is inventory, not just the women's. We are satisfied with their response. If the information received by the Sheriffs Department is incorrect, the Commission and Department would want equal treatment for women. However, eliminating the practice for everyone seems contradictory to the need for better tracking of property.

Hilda R. Bernstein Chair Sunshine Ordinance Task Force November 30, 2000

The Sunshine Ordinance Task Force notes that, with respect to the lack of earlier copies of the Operations Manual, this is also a records retention issue. The Sunshine Initiative, Prop. "G" as passed by the voters in the Fall of 1999 election, requires all City departments and elected officials to have a Records Retention

Policy. The Sheriff's Department is one such department subject to Prop "G" and, in fact, has submitted a Records Retention Policy. The apparent lack of compliance by the Sheriff's Department may bear further scrutiny-by a subsequent Civil Grand Jury or eventually the Sunshine Ordinance Task Force itself.

If the Civil Grand Jury deems the absence of these earlier Operations Manuals a matter of public importance, the Civil Grand Jury might consider mentioning this in any follow-up to the Sheriff's Department's initial formal response.

Finally, since San Francisco's jails are under federal court monitoring, the Sunshine Ordinance Task Force passes along the suggestion of forwarding this Civil Grand Jury report to the appropriate federal court officials and monitoring staff.

III. GRIEVANCE PROCEDURE

Section 1073 of California Code of Regulations Title 15, Division 1, Chapter 1, Subchapter 4, Article 6, establishes that at a minimum a local detention facility such as a county jail shall have written policies and procedures for the implementation of an inmate grievance procedure that includes the following:

- 1. A grievance form or instructions for registering a grievance.
- 2. Resolution of the grievance at the lowest appropriate staff level.
- 3. Appeal to the next level of review.
- Written reasons for denial of grievance at each level of review which acts on the grievance.
- 5. Provision for response within a reasonable time limit.
- 6. Provision for resolving questions of jurisdiction within the facility.

The Sheriff's Department has such a policy and procedure entitled "Prisoner Grievance Policy and Procedure," also known as Procedure Number F-06 issued June 29, 1995 and revised September 17, 1997. While the written policy and procedure meets the requirements of Section 1073, the Civil Grand Jury investigated the Sheriff's Department's implementation of its policy and found that a procedure administered by an Ombudsman who is appointed by and reports to the Sheriff, and who effectively has little discretion or authority to resolve inmate grievances, cannot adequately protect the rights of inmates.

According to the Sheriff's Department's Ombudsman, there were a total of 2,808 grievances filed during the period of September 1999 to June 19, 2000. Medical grievances represent the largest category of grievance (454 of 2,808), with complaints about food the second largest category of grievance (152 of 2,808). Grievances related to the new telephone system (147) and jail staff (146) make up the third and fourth largest categories. It should be noted that the number of telephone-related grievances underreports the actual number of complaints about the new system as inmates also send these complaints directly to specially designated department staff, thereby bypassing the grievance procedure.

Finding: Potential for Abuse Exists in the Grievance Procedure

Inmates currently have to ask for grievance forms from deputies and return the filled-out forms to deputies to be mailed or put in a box for collection by the Ombudsman. The potential for abuse in this process is clear. Not only does having to ask their jailers for grievance forms very likely deter inmates from filing grievances, but after having filled out the form, the inmate cannot be assured that the grievance will be delivered and received by the Ombudsman. Additionally, given the lag time between filling out a form and the delivery time for county government inter-office mail, by the time the Ombudsman receives a grievance form, the filing inmate is likely to have been released from jail as many inmates are released after three days.

Recommendation III-A: Ombudsman Should Make Weekly Rounds of Jails

The Ombudsman should make weekly rounds to each jail and personally hand out and receive grievance forms from inmates.

Responses to Recommendation

Michael Hennessey Sheriff Office of the Sheriff October 3, 2000

Disagree. While we are continuing our efforts to improve the grievance system, the recommendations of the Civil Grand Jury are not, quite frankly, helpful. Our goal is to respond quickly and resolve grievances in the most efficient, fair manner possible. Were the Ombudsman to physically walk each housing and holding area of the six county jails and speak to the 2000 prisoners housed in them each week to collect grievance forms, he would have time for nothing else.

Michael Hennessey Sheriff Office of the Sheriff May 25, 2001

Disagree.

Finding: The Ombudsman Does Not Provide Adequate Protection of Inmates' Rights

The office of the Ombudsman is essentially a perfunctory administrative function, primarily involving the receipt and processing of grievance forms, that does not provide for the adequate protection of the rights of inmates. The Ombudsman ostensibly determines if an inmate has a legitimate grievance that requires a response. He receives

grievances, logs them in, and forwards the forms to designated supervisors. When a supervisor responds, the Ombudsman returns the response to the inmate. According to the Prisoner Grievance Policy and Procedure, the Ombudsman can take further "action," but in practice this merely means forwarding an appeal to the next uniformed level. There is only one Ombudsman for all of the county's jails. The present Ombudsman is a longtime non-uniformed employee of the Sheriff's Department. Several inmates to whom Civil Grand Jury members spoke complained that the Ombudsman does not interview inmates who file grievances and only talks to the deputies and facility commanders when investigating grievances. Some may perceive the Ombudsman's long-standing relationships with deputies and commanders as an asset to the position in that such relationships can facilitate the Ombudsman's investigations. However, in the view of the Civil Grand Jury, such a tightly-knit connection places inmates at a distinct disadvantage in the process and contradicts the need for independence and neutrality on the part of the person holding the position of Ombudsman.

Recommendations III-B: Create an Independent Watchdog Agency and Reinstate the Advisory Committee on Adult Detention

A review of the grievance procedure, including the appointment of the Ombudsman by the Sheriff, should be conducted, with serious consideration given to the idea of creating an independent watchdog agency similar to the Police Department Office of Citizen Complaints, which investigates complaints against the police, or reinstating the Advisory Committee on Adult Detention to administer the grievance process. . . . The Advisory Committee for Adult Detention should be reinstated to administer the grievance process for the county jails. Section 13.70 et seg. of the San Francisco Administrative Code establishes an Advisory Committee for Adult Detention that is charged to annually inspect City and County adult detention facilities. Pursuant to Section 13.75, the committee is directed to focus its inspection of those facilities on the "conditions of inmate employment, detention, care, custody, training and treatment." The Board of Supervisors last appointed members to the 8-member committee in 1994. In addition to the Board-appointed members, two members are appointed by the Sheriff, two by the presiding judge of the Superior Court, and two by the Health Commission. Given the diversity of members and the committee's inspection and reporting mission, the Advisory Committee on Adult Detention may be the appropriate body to assume the inmate grievance investigation and reporting responsibilities that now lie with the office of the Ombudsman.

Responses to Recommendation

Michael Hennessey Sheriff Office of the Sheriff October 3, 2000

Disagree. As the only Sheriff's Department in California that operates a legal services office for prisoners, and as pioneers in the operation of direct supervision jails, we believe the prisoners are best served by a system that encourages dialogue

and problem resolution between prisoners and jail staff. Every layer of bureaucracy added to the process only impedes timely resolution of grievances. For example, the majority of grievances involve such matters as the need for a blanket, clothing or telephone access. These can be and, for the most part, are resolved on the spot. To require that only the ombudsman can receive such a grievance and that he refers it to an outside agency for resolution would add days, weeks or months to a problem that can be solved in a matter of minutes. Similarly, to protect the health and safety of all inmates and jail staff, food grievances demand immediate resolution.

The creation of an OCC for purposes of reviewing inmate complaints is a costly addition, not likely to be funded. It is also not realistic to expect the Advisory Committee on Adult Detention to administer a grievance system since all members of this Committee are unpaid volunteers. Rather than try to create a new and expensive bureaucracy, the Sheriff's Department feels that the better approach would be to add staff to assist the Ombudsman. The Department will see such staff in the next budget cycle.

Michael Hennessey Sheriff Office of the Sheriff May 25, 2001

Disagree.

General Response

Steve Kawa Deputy Chief of Staff Office of the Mayor June 21, 2001

The Mayor's Office response remains the same as last fall to the Civil Grand Jury conclusions. The Mayor's Office acknowledges the age and condition of the county jails, but does not agree with the Civil Grand Jury's conclusion that the physical condition of the jails causes increased inmate aggression.

The Mayor's Office does not believe that the Sheriff's Department should contract out laundry service for inmates.

The Mayor's Office and the Sheriff's Department have been working together to address the staffing issues faced by the department. For example, the Mayor's budget for 2001-2002 includes 35 new limited FTE deputy positions for the Sheriff's Department. Simply providing the department with additional resources will not solve all its problems, however. The department's staffing difficulties stem

in part from forces beyond the City's control, including the state of the economy and the job market. The Mayor's office and the Sheriff continue to recruit new deputies as aggressively as possible.

The Sheriff's Department continues to make efforts to improve its grievance system with the goal of resolving each grievance as quickly and fairly as possible. The Mayor's Office believes the availability of a staff Ombudsman and Sheriff's legal services office offers prisoners appropriate means to raise and resolve grievances. The Sheriff also maintains an attorney to provide legal services for inmates.

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CHAPTER 14 SHERIFF/POLICE DEPARTMENT MERGER

BACKGROUND

The 1999-2000 San Francisco Civil Grand Jury (Civil Grand Jury) investigated the possibility of a merger of the Police Department and the Sheriff's Department. The Civil Grand Jury concluded that combining the two departments could yield some benefits. Several large cities have derived substantial benefits from such a consolidation. Benefits of such a consolidation for San Francisco could include a lower dropout rate, greater economies of scale, possible reduction in duplicative administrative functions, coordination of departmental policies, lower personnel turnover, increased training and orientation opportunities, and more efficient hiring.

RESULTS

The Civil Grand Jury made one recommendation and required responses from the following:

Mayor Board of Supervisors Police Department Sheriff's Department

Finding: The City Should Investigate a Consolidation of the Police Department and the Sheriff's Department

The Civil Grand Jury believes that there is enough evidence to suggest that it would be worthwhile to investigate more thoroughly a consolidation of the Police and Sheriff's departments. The Civil Grand Jury does not have evidence that either department is functioning inefficiently; it only suggests that further efficiency might be gained by such a consolidation. Possible benefits include:

- · Lower dropout rates of trainees.
- · Greater economies of scale.
- Possible reduction in duplicative administrative functions that will allow more
 emphasis on operational duties, which could be achieved without reduction in
 staff (other locales have moderate to substantial benefit here).
- Coordination of departmental policies, rather than independent policies that run counter to each other.
- · Lower personnel turnover.
- · Increased training and orientation opportunities.
- · More efficient hiring.

The Civil Grand Jury notes that its research has not identified any evidence of a merger that did not ultimately realize financial savings or was subsequently undone. The evidence reviewed by the Civil Grand Jury strongly indicates that the benefits of a merger outweigh any disadvantages. Consolidation demonstrably reduces total city and county taxes in at least some metropolitan areas and appears to have substantially slowed the rate of tax increase over an extended period in others. In every place, the ultimate impact depends on the service levels chosen and the specific provisions of the consolidation.

Recommendation: Study Benefits of Merging the Sheriff's Department and the Police Department

The Mayor and Board of Supervisors should convene hearings and form a taskforce or commission to perform an in-depth study of the potential benefits to San Francisco by a consolidation of the Sheriff's and Police departments.

Responses to Recommendation

Fred Lau Chief of Police Police Department October 16, 2000

The Police Department believes that some of the Civil Grand Jury's concerns regarding prisoner custody at San Francisco General Hospital and Sheriff recruitment issues can be addressed without necessity of a merger.

Michael Hennessey Sheriff Office of the Sheriff October 3, 2000

Agree. While it is heartening that the municipalities studied by the Civil Grand Jury consolidated the functions of the Sheriff and the Police under the jurisdiction of the elected Sheriff, the suggestion that the jails be used as training grounds for peace officers who would then "graduate" to patrol fails to recognize the different functions performed by each department and denigrates the work currently performed by deputy sheriffs. The care and custody of prisoners, and the safe, secure operation of the jails require a highly trained, experienced and professional staff. The Sheriff has no interest in trading them in for inexperienced trainees.

Michael Hennessey Sheriff Office of the Sheriff May 25, 2001

Agree, with some reservations. Implementation requires, at the very least, an amendment to the Charter. This is a policy matter appropriately addressed by the Mayor and the Board of Supervisors.

Steve Kawa Deputy Chief of Staff Office of the Mayor June 21, 2001

The Mayor's Office response remains the same. The Mayor's Office does not agree that a study is needed to evaluate the merger of the Police and Sheriff Departments. At this time, the Mayor's Office does not believe that consolidation of these two public safety departments would result in increased efficiencies, benefits, or cost savings to the City. Both departments have distinct functions and duties providing services to the City and County of San Francisco. The powers and authorities are not only described in the City's charter and administrative code but also in the California State government code.

The Mayor's Office encourages the Civil Grand Jury to pursue further discussions with the Police and Sheriff Departments to address any concerns.

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CHAPTER 15 SPECIAL EDUCATION PROGRAM

BACKGROUND

The 1999-2000 San Francisco Civil Grand Jury (Civil Grand Jury) investigated the implementation of the Voluntary Corrective Action Plan (action plan) submitted by the Division of special education of the San Francisco Unified School District (school district) at the request of the California Department of Education. Under the action plan, the school district was to implement a data system to track timelines for referrals, assessments, and the initiation of services and supports specified in the Individual Education Plan (education plan) of special education students.

The Civil Grand Jury found that while the data system has been initiated, the implementation of the other recommended improvements has been delayed because of the shortage of credentialed teachers, lack of training, and lack of funding. There has also been limited information made available to the general public regarding the delay in meeting the timelines for the other corrective actions.

RESULTS

The Civil Grand Jury made 11 recommendations and required responses from the following:

Board of Education Superintendent of the San Francisco Unified School District

Finding: The School District Has More Special Education Students Than Estimated by the State

The school district has a disproportionately higher percentage of students identified as qualifying for special education than the estimates for which the State of California provides funding.

Recommendation 1: Lobby for Special Education Funding

The school district should carry out research identifying other large urban districts which are similarly underfunded for special education staffing and resources. It should develop common strategies in order to lobby the California Department of Education and the state legislature for changes of the special education formula so that funding is done based on the actual enrollment rather than rigid estimated levels.

Response to Recommendation

Arlene Ackerman Superintendent of Schools San Francisco Unified School District May 25, 2001

In addition to the special education strategies outlined in its Comprehensive Plan, SFUSD has hired a Government Relations Director, whose responsibilities include the development of strategies to effectively lobby the California Department of Education with respect to special education and other funding. The Government Relations Director is working closely with representatives of other school districts that have similar needs

Finding: Pre-School Programs Can Lead to Early Identification of Special Education Needs

The school district general fund pays for some pre-school programs which can lead to early identification of a child's special education needs.

Recommendation 2: Lobby for Direct Funding of Pre-School Programs

Since early intervention can provide better education for a child with special needs and potentially save resources over time by avoiding multiple remedial interventions, the school district should consider lobbying both the California Department of Education and the state legislature to directly fund pre-school programs which can lead to early identification of a child's special education needs. As an example, a pilot project could be funded.

Response to Recommendation

Arlene Ackerman Superintendent of Schools San Francisco Unified School District May 25, 2001

See response concerning Recommendation 1.

Finding: The School District Pays Consultants an Excessive Amount of Money

The special education teachers lose classroom time since they must fill out a lengthy Independent Education Plan (education plan) for each special education student. While part of the plan can be done by the teachers at home, much of the work must be done during school hours since the student's file cannot be taken from the school. Many of the experienced special education teachers must also lose time from their classroom in order to obtain training on the constantly changing federal and state regulations for special education. This also results in loss of classroom time. There are itinerant special education teachers who teach at several schools where there aren't sufficient students to qualify for a full-time special education teacher. Since this leaves these schools without a special education teacher for periods of times, problems that may arise are handled by off-site program consultants. The school district pays numerous consultants an excessive amount of money.

Recommendation 3: Reduce Number of Consultants

The school district should reduce the number of consultants. These funds should then be re-allocated to pay special education teachers for the additional work necessary.

Response to Recommendation

Arlene Ackerman Superintendent of Schools San Francisco Unified School District May 25, 2001

With the assistance of San Francisco City Attorney Louise H. Renne, SFUSD has, for the last few months, implemented policies and practices to reduce the number of consultants. In addition, SFUSD, also with the assistance of City Attorney Renne, has implemented policies designed to streamline and provide more oversight of SFUSD's contracting practices.

Finding: The School District Does Not Provide Competitive Salaries for Special Education Teachers and Psychologists

The Civil Grand Jury was advised that there is a problem obtaining substitute teachers with special education credentials, as well as a problem with general education teachers who have not been trained to have resource specialists come into their classrooms to work with the special education students. There is also a problem in hiring qualified psychologists because of the low salary as compared to other Bay Area counties. There is also a problem of maintaining a qualified staff because political pressure was previously applied in the hiring of psychologists. However, the Civil Grand Jury received no complaints from those interviewed as to delay in services by the Program for Psychological Services. The failure of the school district to provide regionally competitive salaries for special education teachers and psychologists is contributing to the non-compliance with state and federal regulations.

Recommendation 4: Increase Salaries of Teachers and Psychologists

There must be an increase in the salary of both teachers and psychologists. The school district must allocate sufficient funding for the salaries of both teachers and psychologists. Special action by the school district is needed in order to budget for special education teachers based on the number of special education students in San Francisco schools as opposed to estimates based on a statewide average.

Response to Recommendation

Arlene Ackerman Superintendent of Schools San Francisco Unified School District May 25, 2001

Please note that substantial salary increases have been given to teachers and other SFUSD staff. In addition, see Comprehensive Plan.

Finding: Many Substitute Teachers Have No Experience in Special Education

There are approximately 400 substitute teachers needed each day to substitute for the 4,600 teachers hired by the school district. Lost time for teachers takes into consideration time for training, conferences and illness. No consideration is given for vacation time. There are approximately 1,000 substitute teachers available in the pool. Many of these teachers have no experience in special education. When a special education student is absent from class, that teacher may well be replaced by a substitute teacher who has no experience with special education students. The Civil Grand Jury was advised that a request has recently

been made for 20 teachers to obtain special education training with the understanding that they would be willing to substitute for special education teachers. The failure of the school district to provide substitute teachers who have adequate special education training contributes to the non-compliance with state and federal regulations.

Recommendation 5: Hire Substitute Teachers With Special Education Credentials

Priority must be given to the hiring of substitute teachers with full special education credentials rather than emergency credentials. A bonus or some other means of incentive should be instituted for substitute teachers who enroll in courses toward their special education credential.

Response to Recommendation

Arlene Ackerman Superintendent of Schools San Francisco Unified School District May 25, 2001

See Comprehensive Plan.

Finding: Special Education Teachers Do Not Receive Bonuses or Differential Pay

The Civil Grand Jury was advised that the hiring of special education teachers, as well as all teachers and paraprofessionals, is difficult in San Francisco, not only because of the low salary which is paid but also because other counties of the Bay Area offer various economic incentives for longevity in special education. Lack of bi-lingual teachers presents a special problem. The failure of the school district to provide bonuses or differential pay to the special education teachers or extra pay for the extra work involved in completing each education plan contributes to the difficulties in hiring qualified special education teachers.

Recommendation 6: Give Incentives to Teachers to Remain With the School District

There should be a bonus or some other means of incentive for teachers to stay with the school district.

Response to Recommendation

Arlene Ackerman Superintendent of Schools San Francisco Unified School District May 25, 2001

See Comprehensive Plan.

Finding: Administrative Support Needed for School Principals to Assist Them in Monitoring Individual Education Plan Evaluations

The responsibility for special education in each school is the responsibility of the principal. Additional work is required by the school principals for the monitoring and updating of the education plan evaluations. The principals need administrative support staff allocated to them for the additional time needed.

Recommendation 7: Fund Administrative Support for Principals

The school district should fund additional administrative support staff for the principals.

Response to Recommendation

Arlene Ackerman Superintendent of Schools San Francisco Unified School District May 25, 2001

See Comprehensive Plan.

Finding: Lack of Psychological Examinations Are Delaying Education Plans

A psychological examination must be done on each child who is a candidate for special education. The California Department of Education was concerned that many education plans were being delayed for lack of a psychological examination. At the present time the positions for psychologists are filled; 34 to 36 full-time slots are filled with 40.5 psychologists, some of whom are part-time.

The Oakland Unified School District has a higher ratio of psychologists to teachers than does the school district. A request has been made to increase the number of psychologists to 38. Presently, there are 500 students waiting for psychological examinations. The

backlog is the result of either lack of parental consent or lack of psychologists. Presently, there is no way to obtain data as to the cause of the delay. The action plan data system fails to keep track of the reason for the delay of psychological assessments as to whether the cause is the lack of required parental signature or delay in scheduling the psychological examination.

Recommendation 8: Track Delays in Psychological Testing

The corrective action data system must include the tracking of delays in psychological testing as well as other timelines. The data gathered must reflect whether the delay is due to lack of parental consent or delay in scheduling the psychological examination.

Response to Recommendation

Arlene Ackerman Superintendent of Schools San Francisco Unified School District May 25, 2001

See Comprehensive Plan.

Finding: Little Funding for Classroom Teaching Tools

On visiting many of the special education classes, a significant number of teaching tools were visible all around the rooms. The Civil Grand Jury was advised that while some of the tools may be provided by funds from parent functions, many of the teachers use their own money to provide the classrooms with the necessary teaching tools. The school district does not provide teachers with funds to purchase the necessary teaching tools.

Recommendation 9: Budget for Teaching Materials and Supplies

The highest priority must be given to budgeting for essential teaching materials and supplies. It is inexcusable that teachers must pay for these necessities out of their own pocket.

Finding: Information From the Action Plan Data-Tracking System Is Not Made Available to the Public

The special education department has established a computerized data-tracking system for monitoring the progression of the delivery of services to those students for whom a request has been made for special education. Monthly reports, which reflect whether they are in compliance with the timelines, are sent to the principals. In accordance with the action plan, the assistant superintendent, associate superintendents, and principals are to be

routinely informed through the data tracking system of the status of compliance and are given the responsibility of monitoring compliance. The data and reports generated from this data were to be reported quarterly to the school district superintendent and governing board with appropriate action to be taken as specified in the action plan. Such reports, if they do exist, have not been made available to the teachers, the principals, and the general public.

Recommendation 10: Provide Quarterly Reports to the Public

The action plan data system must be programmed so that there is a quarterly compilation of all the data, with names redacted. This information should be made available to the public.

Finding: Failure to Ensure Privacy of Special Education Students

Letters have been sent by the Psychology Department of the school district to the principals as well as to special education teachers concerning confidentiality of the files. The special education files are kept in locked cabinets in the classrooms. No member of the staff is allowed to take the files away from the school. Instructions have been sent out to all the principals, noting that the file for the special education student must be kept at the school with that child. At the present time, however, no procedure has been initiated to allow the Department of Psychological Services to monitor the files in order to be sure that they are not being removed from the locked cabinets by unauthorized persons or that they are kept at the school at all times.

Recommendation 11: Ensure Privacy of Special Education Students' Files

The Corrective Action data system must include adequate monitoring of the schools in order to ensure privacy of the files of special education students. The public should be made aware of the process by which privacy is ensured.

CHAPTER 16 WATER AND POWER REVIEW

BACKGROUND

The 1999-2000 San Francisco Civil Grand Jury (Civil Grand Jury) investigated the facilities at the Moccasin, California powerhouse and the watershed facilities at the O'Shaughnessy Dam. The Hetch Hetchy watershed currently supplies the San Francisco Bay Area with approximately 240 million gallons of water a day. It is the main source of water for San Francisco (approximately 80 percent) and numerous other Bay Area water users. In the event of disruption of the water being supplied, San Francisco and the other users would sustain significant and perhaps long lasting economic and personal consequences. Businesses and residents who rely on this resource could be severely impacted. The Civil Grand Jury identified some apparent shortcomings involving the facilities and also identified issues impacting the staff who manage and maintain the properties.

RESULTS

The Civil Grand Jury made six recommendations and required responses from the following:

Public Utilities Commission

Finding: The Public Utilities Commission Needs to Determine How City-Owned Houses in Moccasin Will Be Used

The City owns 44 residential houses in the village of Moccasin. Twenty-one houses, with one exception, are currently occupied by City employees. These houses are rented to City employees at below market rental rates. Apparently, during the past ten years or so, the houses were not re-rented as they became vacant while awaiting completion of a study by the Public Utilities Commission (PUC) as to whether the homes should be rented to the general public and employees at current market rental rates. The vacant houses are deteriorating. Roofs have not been repaired, and water leaks are damaging the properties. The houses are not insulated, have single-pane glass windows, and use electric heaters at high cost to provide heat. Based on a review of PUC minutes, it appears that the PUC has been working on developing a housing policy since at least January 1993.

Recommendation 1: Determine How Houses Will Be Used

The PUC should conclude its housing study and take action to determine how the houses will be used. All of the houses require upgrading to current standards. The Civil Grand Jury believes that renting the houses to employees at a discount, due to the remoteness of the location, and the unavailability of housing near the powerhouse, makes more sense than a policy which would introduce outsiders to an area vulnerable to vandalism and possible terrorism directed at the powerhouse. The ability to have employees on site to respond to emergencies is a reasonable trade-off to providing subsidized housing.

Responses to Recommendation

John P. Mullane, Jr. General Manager Public Utilities Commission October 18, 2000

The SFPUC concurs that there are some circumstances in which on-site housing is very important in terms of both security and quick response to emergencies. In fact, the SFPUC's new housing policy which took effect on July l, 2000 designates certain SFPUC housing as "essential" for purposes of security, emergency response and public health and safety. Such "essential" housing will continue to be rented at below market rates to SFPUC employees qualified to respond to the types of emergencies anticipated. Other housing deemed non-essential for these purposes is to be made available at market rates first to SFPUC employees, and then to employees of other cities and public agencies who are qualified to provide public health and safety services.

The SFPUC recognizes the importance of having adequate security throughout its facilities and especially at very remote locations such as O'Shaughnessy. In fact, every opening and gallery in O'Shaughnessy Dam is alarmed. In event of any entry, an alarm is transmitted to the Moccasin Powerhouse which is staffed on a 24 hour

basis. The Moccasin Powerhouse then notifies the National Park Service which provides security at the dam under a contract with the SFPUC.

Alexis Halstead Hetch Hetchy Superintendent of Operations Public Utilities Commission May 25, 2001

The PUC completed its housing study and adopted a Housing Policy by resolution in April 2000. The policy provides that rents for remote site housing deemed critical to system reliability shall continue to be subsidized. Utilities are charged in accordance with an agreement between the SFPUC and Local 790.

Consistent with SFPUC policy, Moccasin housing is not deemed critical; therefore rents are not subsidized. We recently upgraded Cottages number 2, 5, 23, 27, 38, 42, 46 and 47 to current standards and are in the process of renting them to HH employees. We will continue with this project (seven cottages to go) until all Moccasin housing brought up to current standards and occupied.

Inasmuch as there is substantial demand for these residences, there is no present plan or need to offer any HH housing stock to non-employees.

Finding: City Employees at the Moccasin Powerhouse and Hetch Hetchy Do Not Enjoy the Same Health Benefits as Other City Employees

Because of their place of employment, employees who work at the Moccasin Powerhouse and at the nearby Hetch Hetchy facilities are disadvantaged with respect to exercising their options to fully participate in various health plan options enjoyed by other City employees. There is no health maintenance organization (HMO) operating in the area, thus restricting employees to large deductibles and co-payments under the City basic health plan. Consideration should be given to adopting a plan with similar benefits to an HMO for employees who are unable to elect to participate in a local HMO. The Civil Grand Jury believes that employees who accept employment in remote locations should not be financially disadvantaged because of the locale of their place of employment.

Recommendation 2: Provide HMO Type Benefits

Consideration should be given to adopting a plan with similar benefits to an HMO for employees who are unable to elect to participate in a local HMO. Employees who accept employment in remote locations should not be financially disadvantaged because of the locale of their place of employment.

Responses to Recommendation

John P. Mullane, Jr. General Manager Public Utilities Commission October 18, 2000

The SFPUC concurs that this is a very important issue and that SFPUC staff sited in remote locations for the City's benefit should not be financially or otherwise disadvantaged. In fact, SFPUC management has been proactive in attempting to develop an acceptable outcome for our Moccasin employees. Following is a partial chronology of recent events.

On January 1, 2000, Health Net discontinued HMO coverage in rural counties. Because Health Net had a contract with the City which extended through June 30, 2000, Health Net transformed its coverage in Tuolumne County to a "preferred provider" program which mirrored its HMO program. However, Health Net was unwilling to continue this accommodation beyond June 30, 2000.

On February 10, 2000, SFPUC management appealed to the City's Health Services Board for fair and equitable treatment of our Moccasin employees with respect to equal access to health benefits for equal cost. Despite this appeal and many discussions with staff and members of the Health Services Board, the Health Services Board decided that the Charter prevented it from making a special accommodation for any special class of employees; including those which may be sited in remote locations even if for the City's benefit. The Health Services Board voted to proceed with open enrollment for the various plans already selected for FY00/01. This left the SFPUC employees residing in Tuolumne County with a single health plan option in FY00/01--City Plan 1. Health Net was requested to provide a proposal for Tuolumne County; however, Health Net's proposal was nearly identical to that already offered by City Plan 1 and was therefore rejected.

In June 2000, SEIU 790 obtained a monthly stipend for City employees sited in remote locations. This stipend, which was supported by the Mayor's Office, seeks to equalize premiums paid by City employees for City Plan 1 during FY00/01 with what they would have paid if they could access Kaiser. The stipend is paid directly by the SFPUC for families of employee+2. The stipend supplements the amount of the employer (City) contribution towards health Insurance premiums.

Active discussions continue with the City's Department of Health Services in an attempt to find an equitable resolution for SFPUC employees residing in remote locations. However, the unavailability of HMOs in rural counties is a nationwide problem that is unlikely to be resolved without federal legislation. In the meantime, we have encouraged employees to take this matter to their respective collective bargaining units which, in accordance with City rules and regulations, is the appropriate forum for addressing compensation and benefits issues.

Claire Zvanski Administrative Services Manager Water Department, City Distribution Division Public Utilities Commission May 25, 2001

An EPO will be available through Health Net in July 2002 (at the next Open Enrollment). An EPO is an "exclusive provider" network which means that Health Net will have an exclusive list of providers--doctors, hospitals, pharmacies, labs--for those who sign up with their plan. They will have a copay structure. This is being developed exclusively for the out-of-HMO-areas that Health Net serves.

The EPO option will be available for CCSF employees at Hetch Hetchy in the next plan year--July 2002.

Finding: Electronic Valves Will Result in Faster Release of Water from O'Shaughnessy Dam

Staff manually operate valves that control the amount of water released at the dam. A prolonged rainfall and/or snow melt can result in rapid filling of the dam. It can take up to 12 hours to open all valves to allow sufficient water release to protect the dam and surrounding area from flooding were the dam to exceed its normal capacity. An electronically-operated system could reduce the valve opening time to 1 to 2 hours.

Recommendation 3: Consider Automating Valves

Consideration should be given to installing an electronically-operated system to open and close valves that control the amount of water released at O'Shaughnessy Dam.

Responses to Recommendation

John P. Mullane, Jr. General Manager Public Utilities Commission October 18, 2000

A project is already underway to automate Valves #3 and #5 this fall. The other valves are scheduled for automation over the next 2 years.

The Grand Jury report contained some misconceptions with respect to the SFPUC's staffing and operations at the dam, emergency response and employee safety .The SFPUC takes all of these matters very seriously. All of our operations are designed to comply with OSHA standards. Further, we conduct regular and frequent training and re-training of our staff. For clarification:

- 1. OSHA confined space rules provide that no person may go down a ladder well without another person standing by as guard. Consequently, there are always 2 people scheduled to open valves if they have to go into a ladder well. Valves #1 and #2 are on the second gallery and do not require climbing down a ladder well. Valves #3 and #4 are on the level below, and valves #5 and #6, and #7 and #8 are on the two levels below respectively. The two valves that are scheduled for automation this year are #3 and #5. During most years, the combination of Valves #1, #2, #3 and #5 are sufficient to control all runoff. Therefore, climbing down ladder wells will be needed infrequently.
- 2. On rare occasions, such as the January 1997 flood event, we may need to open all of the valves within a relatively short timeframe. However, even in this circumstance, a short timeframe in terms of opening valves is defined in terms of 3-5 days rather than a few hours. In accordance with OSHA, 2 people were scheduled to make these valve changes in January 1997. The SFPUC conducts constant monitoring of weather, precipitation and inflow into the reservoir. Inasmuch as the accuracy of predicted inflow improves every year, it is increasingly unlikely that there will be a need to change all valves at O'Shaughnessy from a closed position to open within a single day.

Mathew Gass Hetch Hetchy Maintenance Engineering Manager Public Utilities Commission May 25, 2001

The project to automate the O'S discharge valves is progressing through final installation in preparation of start-up. All the electrical controls and new electrical operators for select discharge valves have been purchased, and the electrical controls and power conduits installed. City forces will complete installation of the first automated operator in early June.

Finding: Emergency Plans for O'Shaughnessy Dam May Need Testing

It appears that the emergency plan designed for the dam may never have been tested. Also, onsite employees have not been given any training with respect to the plan. In the event of a potential emergency at the dam, onsite staff have to contact and obtain authorization from multiple levels of management before approval to deal with a perceived emergency is granted. The chain of command for making decisions in the event of an emergency should be streamlined to provide for a quick response to requests for authorization. There should be a 24-hour standby manager identified for any emergency situations, and the onsite staff should be updated daily as to the name and contact method for reaching that manager.

Recommendation 4: Test Dam Safety Plans

Regarding dam safety plans, if the plans have not been tested, then they should be. Training with respect to the plan should be given to onsite employees. The chain of command for action authorization should be streamlined.

Responses to Recommendation

John P. Mullane, Jr. General Manager Public Utilities Commission October 18, 2000

Emergency planning is also a matter that the SFPUC takes very seriously. In fact, we have several plans for O'Shaughnessy that are reviewed, practiced and tested on a regular (minimum, annual) basis. These include responses in case of earthquake, flood, unauthorized dam entry, hazardous spills, vandalism, unusual incidents (i.e., anything "out of the ordinary"), and rescue training.

The testing of these emergency action plans are conducted by Moccasin Operations who provide 24 hour staffing at the Powerhouse. Quarterly mock drills are conducted that include multiple agencies, including the U.S. Forest Service, the National Park Service, the Modesto and Turlock Irrigation Districts, and others. Some drills include the City's Office of Emergency Services.

The dam tender is typically not included in these mock drills because the dam tender seldom has a role in responding to these types of emergencies. The only role that the dam tender would have is opening and closing of valves as directed by the crisis control center. Since this is a routine task in which the dam tender is well trained, there is no need for practiced response.

The Grand Jury observed that the SFPUC does not have a designated 24 hour stand-by manager. This is true; however, there are specific emergency protocols in effect that designate which managers should be called or paged by the Powerhouse in the event of which kinds of emergencies. The Superintendent of Operations resides in Moccasin and is easily reachable at all hours. In her absence, she always designates one of her managers to act on her behalf.

Alexis Halstead Hetch Hetchy Superintendent of Operations Public Utilities Commission May 25, 2001

We regularly review and train staff on these and other emergency response plans. Watershed Keepers or any other employee who needs authorization to take action must call the Powerhouse to report the problem. The Powerhouse has a hierarchy of

notifications and approvals for emergency response which vary according to the nature and urgency of any particular type of problem. Powerhouse staff can reach persons of authority via use of the emergency callout list containing home, pager and cell phone numbers 24 hours per day. We update contact names and numbers regularly.

Finding: Technological Improvements Needed to Operate O'Shaugnessy Dam

Daily waterflow control is in part maintained by resort to historical records, which are manually accessed to determine the number of valves to be opened and amount of water to be released through each valve. This is done by determining how wide the valve should be opened, physically opening the valve, and then physically inspecting the flow from a site downstream from the dam and reading waterflow measurements at the downstream site.

One employee performs all the daily functions at the dam. Consideration should be given to technologically upgrading the process. There is too much reliance on one employee performing all the functions. In the event of injury or illness, the sole employee has no ability to seek help from certain areas within the dam. Cellphones do not operate from within the dam and there are no hard-wired telephone lines or phones at various worksites within the dam. Work within the dam requires climbing up and down ladders to reach various levels. In the event of injury, it could take hours to render assistance to the injured employee from the time of notification. The risk to the employee and to the operation of the dam appears to be unacceptable.

Recommendation 5: Upgrade Technological Operations

Regular operations at O'Shaughnessy Dam should be improved by giving consideration to technologically upgrading the process. There is too much reliance on one employee performing all the functions. In the event of injury or illness, the sole employee has no ability to seek help from certain areas within the dam. In the event of injury, it could take hours to render assistance to the injured employee from the time of notification. The risk to the employee and to the operation of the dam appears to be unacceptable. These risks should be evaluated and mitigated.

Responses to Recommendation

John P. Mullane, Jr. General Manager Public Utilities Commission October 18, 2000

A project to install hardwired phones at ladder well #3 and other strategic points throughout the dam is already underway and expected to be completed in

November. Testing has been conducted of various types of radio signals and frequencies, and none has been able to penetrate the walls of the dam.

However, as discussed under Recommendation #3 above, in accordance with OSHA confined space rules, no employee is permitted to go down a ladder well without a guard standing by. Whenever anyone enters the dam, an alarm is transmitted to the Moccasin Powerhouse. The dam tender is required to call the Powerhouse to advise how long he or she expects to be in there. The dam tender is also required to call the Powerhouse upon departure. If a call is not made to the Powerhouse within the specified time, the Powerhouse dispatches someone to go into the dam and check up, on the dam tender. "

The National Park Service, in accordance with its contract with the SFPUC, has personnel on site that supplements SFPUC staffing in case of an emergency. We have a very close working relationship, including a combined team for rescue work and joint training inside the dam. All rescue equipment is stored on site with both a City lock and a Park lock on the box so that whoever arrives first can respond.

The Grand Jury report stated that the dam tender needs to "physically inspect[ing] the flow from a site downstream from the dam and read[ing] waterflow measurements at the downstream site" in order to ascertain whether the valves had been opened to the right aperture. In fact, the stream gage and flow measurements are transmitted to the residence of the dam keeper. Further, stream gage readings can be verified by accessing a real time database maintained on behalf of the SFPUC by the U.S. Geological Survey ("USGS"). The USGS data is transmitted from the stream gages via satellite to an on-line database which is accessible via the Internet. Occasionally, the dam tenders hike down to the river and visually inspect the gages to verify that they are operating correctly.

Alexis Halstead Hetch Hetchy Superintendent of Operations Public Utilities Commission May 25, 2001

Over the past two years, we have substantially mitigated hazardous conditions for dam employees. There are six employees who perform the referenced functions. No one is to enter a ladder well unless another employee is present. All ladder wells are equipped with telephones. Ladder wells are equipped with fall protection and no one is to enter the wells without using it. We are presently installing valve automation equipment on the valves that are most frequently operated. (See Chp#16 Rec No. 3.) This will greatly reduce the need for employees to enter the ladder wells. A contract to upgrade mechanical systems and lighting will start the first week of June 2001.

Finding: Capital Improvements Are Needed for the Hetch Hetchy Water System

Repairs and seismic upgrades to the Hetch Hetchy Water System have been estimated to range between \$2-3 billion. The cost, if passed on to ratepayers, would result in at least a doubling of current water rates. The City currently realizes revenues from power sales from the water system, one-half of which goes into the general fund and the balance used to maintain the system. Capital improvements are needed and should be funded in order to avert a potential disaster due to an earthquake or deterioration to the system. Consideration should be given to evaluating the construction of a dual system using current seismic standards in addition to upgrading the existing system. Delaying the implementation of upgrades is likely to result in increased expense and subject the City to unnecessary risk of water system failure. The need for upgrading the system appears obvious to this Grand Jury and work should be funded and commenced as quickly as possible.

Recommendation 6: Upgrade Water System

Capital improvements to the Hetch Hetchy Water System are needed and should be funded in order to avert a potential disaster due to an earthquake or deterioration to the system. Consideration should be given to evaluating the construction of a dual system using current seismic standards in addition to upgrading the existing system. Delaying the implementation of upgrades is likely to result in increased expense and subject the City to the unnecessary risk of water system failure. The need for upgrading the system appears obvious to the Civil Grand Jury and work should be funded and commenced as quickly as possible.

Responses to Recommendation

John P. Mullane, Jr. General Manager Public Utilities Commission October 18, 2000

The Grand Jury report stated that "The City currently realizes revenues from power sales from the water system, one-half of which goes into the general fund and the balance used to maintain the system." This is not an accurate description of Hetch Hetchy's financial structure. The Charter provides that Hetch Hetchy net revenues shall be applied first to operations, maintenance and capital needs of the Hetch Hetchy system. Whatever is left over in any particular budget year is then deemed "surplus" and available for transfer to the General Fund.

The SFPUC concurs that the entire water system needs to be repaired, replaced and/or upgraded, including seismic retrofits and redundant critical systems to assure long term reliable delivery of water and power supplies. In fact, the SFPUC is in the process of preparing a comprehensive capital program which, for the first time, will schedule infrastructure repairs and replacements before something breaks

rather than after. The SFPUC will then develop a financing plan to support its capital program. The capital program will be completed in November 2000 with the intent of identifying funding within the next year.

Matthew Gass Hetch Hetchy Maintenance Engineering Manager Public Utilities Commission May 25, 2001

Hetch Hetchy staff has been diligently identifying and documenting deficiencies in the water delivery system. All critical components have been input to a master database to schedule improvements that need to be addressed. Several projects have been deferred or delayed due to insufficient funds. The PUC is prioritizing allocation of limited resources to its highest needs, with public health and safety accorded top priority. The SFPUC has convened a long term strategic and financial planning effort that hopefully will secure funding sufficient to support HH's entire 10 year Capital Improvement Program, of which the water delivery system is an integral part.

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APPENDIX

MEMBERS OF THE 1999-2000 SAN FRANCISCO CIVIL GRAND JURY

Gil Brigham, Foreman

Isable Huie, Secretary

Yoomie Ahn

Davace Chin

David H. Katz

Diane F. Leon

Frederic Linder

Ramona Michaels

Alan Nicholson

Arthur Park

Stephen J. Perry

Marvin Pheffer

Irwin A. Phillips

Robert R. Planthold

Kathryn E. Ringgold

David Sahagun

Rodger K. Scott

John W. Stark

Darian W. Swig







BOARD OF SUPERVISORS:

STATUS OF THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE 2000-2001 CIVIL GRAND JURY

DOCUMENTS DEPT.

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REFERENCE BOOK

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Edward Harrington Controller Monique Zmuda

Monique Zmuda Deputy Controller

August 1, 2002

Audit Number 01081

Board of Supervisors City and County of San Francisco City Hall, Room 244 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102

President and Members:

As required by Section 2.10 of the San Francisco Administrative Code, the Controller's Audits Division presents its report on the status of the implementation of the recommendations of the 2000-01 San Francisco Civil Grand Jury (Civil Grand Jury).

This report summarizes the findings and recommendations of the reports issued by the Civil Grand Jury, the responses to those recommendations by the various city departments when the reports were initially issued, and the current status of the implementation of those recommendations.

Respectfully submitted,

Edward Harrington

Controller



PREFACE

This report by the Office of the Controller of the City and County of San Francisco (City) summarizes the findings and recommendations in the reports issued by the 2000-01 San Francisco Civil Grand Jury (Civil Grand Jury), which examined issues at various departments in the City. In addition, this report covers the city departments' initial responses to the Civil Grand Jury's recommendations as well as the departments' subsequent implementation of policies and procedures to address the recommendations.

The following text appears in the original reports, and we did not alter the Civil Grand Jury's language. Instead, we edited only to shorten some findings, and we believe that we left intact the meaning of the Civil Grand Jury's text.

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CHAPTER 1 SHERIFF'S DEPARTMENT CANINE UNIT

BACKGROUND

The 2000-01 San Francisco Civil Grand Jury (Civil Grand Jury) investigated the San Francisco Sheriff's Department canine unit. This unit consists of one canine (also known as a "canine officer") and his deputy handler. The handler is certified through the California Narcotics Canine Association (CNCA). The canine unit unearths contraband narcotics hidden within the jails, thus providing value as a deterrent to those considering further criminal narcotics violations.

RESULTS

The Civil Grand Jury made four recommendations and required responses from the following:

Sheriff's Department

Finding: The Canine Unit Deserves Further Expansion

The Civil Grand Jury found that the initiative and high performance standards maintained by the deputy charged with handling the canine renders a uniquely valuable resource to both the Sheriff's Department as well as the people of San Francisco. While it is understood that the operational value of any new unit must be proven before expansion can be considered, the unit has proven its value and is deserving of further expansion.

Recommendation 1: Provide a Reliable Vehicle to Transport the Canine Unit

The SF Civil Grand Jury recommends the priority funding of a reliable vehicle outfitted for canine transport to the SFSD K-9 Unit. Further, the CGJ recommends that this vehicle should have the capability to lower its "profile" when off duty either through a plain "unmarked" paint job or through the inclusion of SFSD logo removable magnetic signs to an "unmarked" vehicle so as to prevent acts of retaliation and ensure the safety of the SFSD K-9 Unit when the Unit is both outside of San Francisco and/or off duty.

Responses

Michael Hennessey Sheriff Office of the Sheriff October 18, 2001

Implemented. The Sheriffs Department's Canine Unit has been equipped with an appropriately outfitted van.

Michael Hennessey Sheriff Office of the Sheriff June 25, 2002

Implemented.

Recommendation 2: Make Available a Laptop Computer to the Canine Unit

Recognizing that the recording and maintaining of data regarding the activities of the SFSD K-9 Unit are vital to the effective operation of this unit, the San Francisco Civil Grand Jury recommends that a "laptop" computer with both spreadsheet and multiple database capability be made available to the Unit immediately.

Responses

Michael Hennessey Sheriff Office of the Sheriff October 18, 2001

Agree. This recommendation will be considered for inclusion in the Sheriff's Department's Fiscal Year 2002-2003 budget in light of Department and City funding priorities.

Michael Hennessey Sheriff Office of the Sheriff June 25, 2002

While we agree with this recommendation, more pressing matters have received funding priority.

Recommendation 3: Expand the Canine Unit

The effectiveness of the initial SFSD K-9 Unit has demonstrated the value in its expansion. The value of the Unit relies upon the performance level set by the deputy in charge of the Unit, and any expansion should be undertaken with his supervision and approval. With those caveats, the CGJ recommends that the existing SFSD K-9 Unit be expanded at those levels deemed proper by the deputy currently in charge of the Unit.

Responses

Michael Hennessey Sheriff Office of the Sheriff October 18, 2001

Agree. This recommendation will be considered for inclusion in the Sheriff's Department's Fiscal Year 2002-2003 budget in light of Department and City funding priorities. The Civil Grand Jury's confidence in the deputy currently in charge of the unit is well placed, however, it would be inappropriate to restrict participation in this important unit to just one individual. Policy decisions for the Sheriff's Department are made by the Sheriff.

Michael Hennessey Sheriff Office of the Sheriff June 25, 2002

While we agree with this recommendation, more pressing matters have received funding priority.

Recommendation 4: Augment Contraband Searches

In the course of this investigation it was pointed out that a large degree of contraband is smuggled in during visiting hours. The canine officer assigned to the SFSD K-9 Unit is an "aggressive response" canine. Therefore, unacceptable levels of liability are inherent in use of the Unit to search visitors. It is apparent to the CGJ that this is an area in need of attention. The CGJ recommends that the SFSD examine the possibility of augmenting the "aggressive response" canine in the SFSD K-9 Unit with a "passive response" canine, to be used in parking lots and in entry areas prior to allowing visitation.

Responses

Michael Hennessey Sheriff Office of the Sheriff October 18, 2001

Agree, although a passive response dog is less of a priority at this time than a bomb detecting dog, the funding for which we are currently seeking.

Michael Hennessey Sheriff Office of the Sheriff June 25, 2002

While we agree with this recommendation, more pressing matters have received funding priority.

CHAPTER 2 GRAND JURY CONTINUITY REPORT

BACKGROUND

The 2000-01 San Francisco Civil Grand Jury (CGJ) addressed the requirements that departments are to respond to Civil Grand Jury recommendations and that the Board of Supervisors is to hold public hearings on the Civil Grand Jury's final reports. The 2000-2001 CGJ created a Continuity Committee to follow through on the issues and recommendations raised by the 1999-2000 CGJ reports. The Civil Grand Jury found that some departments did not respond to the recommendations of the 1999-2000 Civil Grand Jury and that the Board of Supervisors held a hearing on only one of its reports: "Juvenile Justice (CARC)".

RESULTS

The Civil Grand Jury made two recommendations and required responses from the following:

Board of Supervisors

Finding: The Board of Supervisors Did Not Submit Written Responses to the 1999-2000 Civil Grand Jury Reports

After meeting with individual members of the Board of Supervisors, the CGJ has yet to receive a written response to the 1999-2000 CGJ reports from the Clerk of the Board of Supervisors.

Recommendation 1: Provide Guidance to the Clerk of the Board on Providing Required Written Responses

The CGJ recommends that the Board of Supervisors develop a change to its "Rules of Order", perhaps Section 5.7, to provide guidance to the Clerk of the Board regarding methods by which to provide required written responses to CGJ reports.

Response

Board of Supervisors

The Civil Grand Jury required a response from the board of supervisors. As of July 2002, the board has not submitted a specific response to the recommendation. The clerk of the board of supervisors has, however, submitted the general responses shown on pages seven and eight of this report.

Finding: The Board of Supervisors Has Not Held Hearings on Many of the 1999-2000 Civil Grand Jury Reports

The Board of Supervisors has not held hearings regarding many of the 1999-2000 CGJ reports, contrary to the Administrative Code, Section 2.10(a), requirement to do so.

Recommendation 2: Provide Guidance to the Clerk of the Board on Providing Required Hearings

The CGJ recommends that the Board of Supervisors develop a change to its "Rules of Order" perhaps Section 5.7, to provide guidance to the Clerk of the Board regarding methods by which to ensure that required hearings are held regarding CGJ reports.

Response

Board of Supervisors

The Civil Grand Jury required a response from the board of supervisors. As of July 2002, the board has not submitted a specific response to the recommendation. The clerk of the board of supervisors has, however, submitted the general responses shown on pages seven and eight of this report.

General Responses

In response to the Civil Grand Jury, the clerk of the board of supervisors submitted the following letter addressed to the board of supervisors:

Gloria Young Clerk of the Board of Supervisors Board of Supervisors July 27, 2001

The Honorable Board of Supervisors

The Clerk of the Board's Office recommends that the Board of Supervisors:

- 1. Schedule a hearing before the Audit Labor and Government Efficiency Committee or another Committee(s) to review and respond to the 2000-2001 Civil Grand Jury Report recommendations in accordance with San Francisco Administrative Code Section 2.10; and
- 2. Direct the Clerk of the Board to report to the Civil Grand Jury the Board's responses to their recommendations (Attachment A), no later than Monday, October 24, 2001, pursuant to California Penal Code Section 933. [The attachment was not included in this report. Please contact the clerk of the board to obtain a copy.]

BACKGROUND:

Pursuant to California Penal Code Section 933, the Board of Supervisors must respond to the recommendations outlined in the 2000-2001 Civil Grand Jury Report within 90 days of receipt of the report. The past precedence since 1996-97 has been to respond that the Board of Supervisors has no direct jurisdiction over the departments and that the Board of Supervisors did not hold a formal hearing on the Report. In addition, Board members either called for a hearing at the Committee level, or contacted the Civil Grand Jury directly with informal comments.

Administrative Code Section 2.10. Public Hearings -Reports Submitted by the Civil Grand Jury states that "(a) A public hearing by a committee of the Board of Supervisors shall be conducted to consider a final report of findings and recommendations that is submitted by the civil grand jury to the Board of Supervisors. The Clerk of the Board of Supervisors shall notify the current foreman of the civil grand jury and the immediate past foreman of the civil grand jury of any such hearing that is scheduled by the Board of Supervisors. (b) The Controller shall report to the Board of Supervisors on the implementation of recommendations that pertain to fiscal matters that were considered at a public hearing. The report by the Controller shall be submitted no later than one year following the date of the public hearing."

Last year, I recommended a revision to Administrative Code Section 2.10, to change the wording from "A public hearing by a committee of the Board of Supervisors shall be conducted..." to "A public hearing by a committee of the Board of Supervisors may be conducted..." This change was recommended to be consistent with past practice. The Audit and Government Efficiency Committee at their October 2000 meeting continued the item to the call of the Chair, after public comment.

In response to the Civil Grand Jury, the clerk of the board of supervisors submitted the following letter:

Gloria Young Clerk of the Board of Supervisors Board of Supervisors October 4, 2001

Pursuant to Section 933 of the California Penal Code, the Board of Supervisors is required to submit a response to the report filed by the 2000-2001 Civil Grand Jury within 90 days of receipt of its report. The response to the Civil Grand Jury report is due no later than October 24, 2001.

The Board of Supervisors Rules Committee had scheduled two hearings on the 2000-2001 Civil Grand Jury report to be heard today. Both hearings were continued at the request of Alan Nicholson, Foreman, Civil Grand Jury in order to provide opportunity for a better response from the City and County departments.

Mr. Nicholson has stated that in this instance it is better to delay the hearings in order to provide for a more thorough response by the City and County departments.

CHAPTER 3 COUNTY PAROLE BOARD

BACKGROUND

The Civil Grand Jury (CGJ) reviewed the County Parole Board, a part of the Sheriff's Department. The impetus for this review was the general absence of any publicly available information on the Board. As an example, the only known Annual Report from the Board, which is available at the main branch of the San Francisco Public Library, was issued in 1989.

The County Parole Board is one of four programs under the umbrella of the Sheriff's Alternative Programs Division. The Board consists of the county sheriff, county chief probation officer and a public member appointed by the Superior Court, or their alternates. The purpose of the parole system is to assist county jail inmates to reintegrate into society as constructive individuals as soon as they are able. Since they are not confined for the full term of their sentence, it also alleviates the cost to society of keeping them in jail.

RESULTS

The Civil Grand Jury made three recommendations and required responses from the following:

County Parole Board Sheriff's Department

Finding: The Parole Board Appears To Be in Violation of the Brown Act

The County Parole Board was not in compliance with the Brown Act with respect to the posting of meeting notices and agendas, making it very difficult for the public to be aware of the existence of the Board or possibly attend one of its meetings.

Recommendation 1: Develop Procedures Regarding the Brown Act

The CGJ recommends that a process or procedure be developed by the Sheriff's Office regarding the provisions of the Brown Act and their implementation as regards the County Parole Board.

Responses

Michael Hennessey Sheriff Office of the Sheriff October 18, 2001

Agree. Implemented. Attached is a copy of the procedure we developed to bring the County Parole Board into compliance with the Brown Act. [The attachment is not included in this report. Please contact the department for a copy.]

Clement DeAmicis, Steve Genis, Doris Machen Commissioners County Parole Board December 17, 2001

The recommendation has been implemented. Please refer to the attached "County Parole Public Hearing Procedures" which are in place and which were developed jointly by members of the Sheriff's Office and the County Parole Board. [The attachment is not included in this report. Please contact the County Parole Board to obtain a copy of the attachment.]

Lieutenant Robert Limacher Alternative Programs Division (County Parole Board) Office of the Sheriff June 5, 2002

This recommendation has been implemented.

Finding: The County Parole Board Should Report on Its Activities

As a county agency provided for in state law, the County Parole Board is not subject to any county laws regarding annual report requirements. Therefore, though there have been some worthy initiatives and positive outcomes for the County Parole Board, there is no method by which to tell the public about them.

Recommendation 2: Issue an Annual Statistical Report

The CGJ recommends that the County Parole Board issue some type of statistical report on an annual basis.

Responses

Michael Hennessey Sheriff Office of the Sheriff October 18, 2001

This recommendation is more appropriately addressed by the County Parole Board members.

Clement DeAmicis, Steve Genis, Doris Machen Commissioners County Parole Board December 17, 2001

The recommendation has been implemented. Please refer to the attached "Residential County Parole, Annual Report, Year 2000." The annual report provides statistical information regarding hearings held by the Board, the disposition of persons applying for parole and the performance of county parolees. [The report is not included in this report. Please contact the County Parole Board to obtain a copy of the report.]

Lieutenant Robert Limacher Alternative Programs Division (County Parole Board) Office of the Sheriff June 5, 2002

This recommendation has been implemented.

Finding: The Vehicles Used for Warrant Service Are Beginning to Show Their Age

The administration of the Alternative Programs Division involves approximately 16 sworn personnel (fifteen currently, with one vacancy) in the Sheriff's Office. In addition to monitoring parole, these personnel are also in charge of warrants. If someone is out on parole and skips town or otherwise doesn't complete the terms of parole, then a warrant is issued. Sheriff's Office staff note that the vehicles available to them for warrant service are beginning to show their age and a new, or serviceable, vehicle or two would be very much appreciated.

Recommendation 3: Provide a More Serviceable Vehicle

The CGJ recommends that consideration be given to funding a new or more serviceable vehicle for the Alternative Programs Division.

Responses

Michael Hennessey Sheriff Office of the Sheriff October 18, 2001

Agree. This recommendation will be considered for inclusion in the Sheriff's Department's Fiscal Year 2002-2003 budget in light of Department and City funding priorities. I thank the members of the Civil Grand Jury for their interest and willingness to commit their time and expertise to the exploration of these issues.

Clement DeAmicis, Steve Genis, Doris Machen Commissioners County Parole Board December 17, 2001

This recommendation was addressed by the Sheriff in his letter to Judge Ronald Quidachay, dated October 18, 2001. The Sheriff responded: "Agree. This recommendation will be considered for inclusion in the Sheriff's Department's Fiscal Year 2002-2003 budget in light of Department and City funding priorities."

Lieutenant Robert Limacher Alternative Programs Division (County Parole Board) Office of the Sheriff June 5, 2002

Request was placed in fiscal budget.

CHAPTER 4 MAYOR'S OFFICE ON DISABILITY/ MAYOR'S DISABILITY COUNCIL

BACKGROUND

The Civil Grand Jury (CGJ) reviewed the Mayor's Office on Disability (MOD) and the Mayor's Disability Council (MDC). The concern for this review was that the City and County of San Francisco (City) was not in compliance with the federal requirements of the Americans with Disabilities Act of 1990 (ADA). Further, coming into compliance is jeopardized by an inconsistent response by the current and previous mayoral administrations.

The main purpose of the MOD is to oversee development and implementation of the self-evaluation and transition plans that will bring San Francisco into compliance with ADA. The main purpose of the MDC is to provide a citizen forum from which recommendations are made to the Mayor to respond to the needs of the disabled. The MOD and MDC were created, in part, as a response to a lawsuit filed against the City and County of San Francisco in 1997, alleging non-compliance with ADA.

The City can be commended for creating and funding the MOD. However, the MOD and MDC have no legal or institutional authority to compel compliance, leaving San Francisco vulnerable to legal action. As of June 2001, no self-evaluation and transition plans have been completed.

RESULTS

The Civil Grand Jury made nine recommendations and required responses from the following:

Board of Supervisors Mayor Mayor's Office on Disability

Finding: Self-Evaluation and Transition Plans Have Not Been Completed

In May 1999, to meet the compliance requirements of the ADA, the City engaged a contractor to review programmatic, employment and architectural aspects for ADA compliance and develop transition and self-evaluation plans. This contract was to be completed by October 31, 2000. However, this contract was reassigned to another contractor in Fall 2000. As of June 2001, the self-evaluation and transition plans are not completed. MOD management acknowledge that the plans are not yet complete, but note that substantial work has gone into developing these plans (including focus groups and interviews) and they are much better than previous City efforts. MOD management observes that San Francisco is not atypical in its lack of full compliance with ADA requirements; many other cities are in similar stages of compliance.

Recommendation 1: Comply With ADA Requirements

The CGJ recommends that the MOD complete and publish the self-evaluation and transition plans.

Response

Walter Park Director Mayor's Office on Disability September 25, 2001

We agree that these two studies should be published as quickly as possible. The CCSF ADA Transition Plan details every accessibility barrier in every City facility used by the public -over 500 facilities. It also details the needed capital improvements to achieve compliance, along with an annual schedule. This is the first capital plan that is comprehensive across departments, consistent with the ADA, based on field surveys, detailed, and accompanied by a financial plan. This momentous undertaking will be published in October of this year. The ADA Self-evaluation is a parallel review of access to City programs. It looks at over 475 City programs to determine communications access, accommodations in policies and procedures, etc. A report on departmental written responses to MOD's self-evaluation survey will be published in November. A complete self-evaluation report, including public input, will be published in June 2002.

The ADA Self-evaluation and Transition Plan are essential baseline studies of where we are now in complying with the ADA. They also provide basic blueprints for where we want to go in the next ten years. When the Mayor's Office on Disability was created, staff amended both of the contracts to provide better information and to produce solid recommendations. This has resulted in a longer study period, which we believe was time well spent.

Finding: There is No Controlling Body to Oversee Enforcement of ADA Compliance

Because it serves an advisory function, the MOD has no legislative authority to enforce ADA compliance. While its mission is clear, its jurisdiction is limited. There is no controlling body to oversee enforcement of ADA compliance.

Recommendation 2: Establish a Permanent Commission on the Disabled

The CGJ recommends that a permanent Commission on the Disabled be established with the authority to oversee full and complete compliance with the ADA and to attend to the continuing maintenance and improvement of such compliance to meet the needs of the disabled.

Responses

Board of Supervisors

The Civil Grand Jury required a response from the board of supervisors. As of July 2002, the board has not submitted a specific response to the recommendation. The clerk of the board of supervisors has, however, submitted the general responses shown on pages seven and eight of this report.

Steve Kawa Deputy Chief of Staff Office of the Mayor September 25, 2001

The Mayor's Office does not agree with this recommendation. The Mayor's Disability Council is a permanent body in existence since 1981 and was reconstituted three years ago to strengthen its effectiveness. Coordinated response to and compliance with the Americans with Disabilities Act (ADA) is at this time best handled by the professional staff of the Mayor's Office on Disability, at the direction of the Mayor. The Mayor's Office notes that under this administration the City and County of San Francisco is more ADA compliance than ever before.

Steve Kawa Deputy Chief of Staff Office of the Mayor July 3, 2002

The Mayor's Office response remains unchanged to this recommendation. We believe that the current structure of a permanent Council staffed by the Mayor's Office on Disability continues to effectively address issues regarding ADA compliance and to improve access to services and places for people with disabilities throughout the City that reach beyond minimum compliance.

Finding: No Guarantee of Continuity for the Mayor's Office of Disability

The MOD currently employs an executive director, a deputy director, an assistant director, a complaint investigator and two to three support staff. The directors and complaints investigator are special assistants, the others are civil servants. A majority of the MOD staff are special assistants. Because special assistants serve at the pleasure of the mayor, there is no guarantee that they will continue beyond the current administration.

Recommendation 3: Convert the Mayor's Office on Disability to a Permanent Department

The CGJ recommends that the Mayor's Office on Disability be converted to a permanent department and be accountable to the Commission.

Responses

Board of Supervisors

The Civil Grand Jury required a response from the board of supervisors. As of July 2002, the board has not submitted a specific response to the recommendation. The clerk of the board of supervisors has, however, submitted the general responses shown on pages seven and eight of this report.

Steve Kawa Deputy Chief of Staff Office of the Mayor September 25, 2001

The Mayor's Office does not agree with this recommendation. The Americans with Disabilities Act requires local governments to maintain an ADA coordinator. In the City and County of San Francisco, this responsibility is assigned to the Director of the Mayor's Office on Disability. The authority of the Mayor's Office on Disability to enforce and fulfill the requirements of the ADA among city departments comes from the Mayor. The Mayor's Office on Disabilities communicates and coordinates departments under the citywide direction of the Mayor, rather than as a separate department. There is no advantage to be gained by converting MOD into a department at this time.

Steve Kawa Deputy Chief of Staff Office of the Mayor July 3, 2002

The Mayor's Office continues to disagree with this recommendation. Conversion of the Mayor's Office on Disability into a permanent department that is accountable to the Commission will not result in increased ADA compliance. The Mayor's Office on Disability has the ability and authority to ensure that all city departments meet ADA requirements.

Finding: The Mayor's Disability Council Has No Oversight Responsibilities

The MDC has no oversight of the MOD and does not have any jurisdiction to enforce ADA compliance. The MDC was created to provide an advisory function to the mayor. It is staffed by the MOD. The MDC's functioning remains unclear. For example, it was difficult for the CGJ to gain a clear understanding of the terms of office for each member, how each member of the MDC was chosen, what orientation members receive, and how public input forms their advisory function.

Recommendation 4: Commissioners Should Serve Staggered Terms of Office

The CGJ recommends that the Commissioners serve staggered terms of office.

Responses

Board of Supervisors

The Civil Grand Jury required a response from the board of supervisors. As of July 2002, the board has not submitted a specific response to the recommendation. The clerk of the board of supervisors has, however, submitted the general responses shown on pages seven and eight of this report.

Steve Kawa Deputy Chief of Staff Office of the Mayor September 25, 2001

The Mayor's Office will recommend that the Disability Council review the feasibility of staggered terms and amend their by-laws, if agreed to by the Council.

Steve Kawa Deputy Chief of Staff Office of the Mayor July 3, 2002

This recommendation has been implemented. The Mayor's Disability Council amended their by-laws on February 15, 2002 to create staggered terms for Commissioners.

Finding: No Centralized Mechanism to Monitor ADA Compliance

The ADA requires that a public entity with 50 or more employees develop a grievance procedure and designate an individual to oversee compliance. No formal policy apparently has been put forth regarding how San Francisco complies with this portion of ADA. In most senses, MOD and its director can be considered to be the "individual" that oversees compliance. However, the Department of Human Resources also handles employment-related disability issues. Further, many departments, such as the Police Department or Public Library, have ADA coordinators who resolve disability issues specific to their department. Without a centralized mechanism through which ADA compliance is monitored, San Francisco remains vulnerable to further legal action.

Recommendation 5: Develop a Method to Ensure Departmental History

The CGJ recommends that a method be developed to ensure departmental history across mayoral administrations.

Responses

Board of Supervisors

The Civil Grand Jury required a response from the board of supervisors. As of July 2002, the board has not submitted a specific response to the recommendation. The clerk of the board of supervisors has, however, submitted the general responses shown on pages seven and eight of this report.

Steve Kawa Deputy Chief of Staff Office of the Mayor September 25, 2001

The Mayor's Office has a process in place that fulfills this recommendation. As the Mayor's Office on Disability is an office created by this administration, there are no records available from previous administrations. MOD and the Mayor's Disability Council retain all records in a manner consistent with the Sunshine Ordinance, the ADA and other requirements.

Walter Park Director Mayor's Office on Disability September 25, 2001

MOD is San Francisco's first citywide Office on Disability. When it opened previous records were not readily available. Citywide policies, procedures, forms, and records are being actively developed, usually in conjunction with operating departments, to ensure an accurate history of ADA policies and activities. The Office has created systems to ensure continuity of information, consistent with the requirements of the ADA and our local ordinances on records maintenance.

Steve Kawa Deputy Chief of Staff Office of the Mayor July 3, 2002

The Mayor's Office response remains the same as last fall to this recommendation. As the first citywide Office on Disability, MOD has established record maintenance systems that will ensure that information is available for future administrations.

Finding: Incomplete List of ADA Coordinators

A random check of the department ADA coordinators roster provided by the MOD to the CGJ revealed the names of individuals who no longer worked for the City, and individuals who did not know they were designated as the department ADA coordinator for their particular department. Departmental coordinators would also appreciate more training, and note that a list of expectations for those identified as departmental ADA coordinators would be helpful.

Recommendation 6: Develop and Publish a Complete Roster

The CGJ recommends that a complete roster of ADA representatives in city departments be developed and published on the MOD website.

Response

Walter Park Director Mayor's Office on Disability September 25, 2001

The Mayor's Office on Disability maintains a complete roster of ADA Coordinators. There is considerable turnover in staffing in those positions. MOD updates the list quarterly. In response to your suggestion, the current list will be posted on the MOD CitySpan web site immediately.

Recommendation 7: Provide Training for ADA Coordinators

The CGJ recommends that training and a list of expectations for ADA department coordinators be provided.

Response

Walter Park Director Mayor's Office on Disability September 25, 2001

The Mayor's Office on Disability agrees with these recommendations, and has been in the process of implementing them for some time. MOD has been holding meetings with departmental ADA Coordinators for over a year. It is conducting a series of six ADA training sessions for them (four have already been held). MOD is drafting a generic ADA Coordinator "job description" to specify the duties and responsibilities of departmental ADA Coordinators. MOD is drafting a citywide ADA Grievance Procedure, in conjunction with operating departments, which will be adopted during the current fiscal year. The Mayor's Office on Disability will continue these efforts. The single most important marker of progress will be the adoption of a new citywide grievance procedure.

Finding: The MOD Complaint Log Is Incomplete

The MOD receives complaints regarding disability issues from the citizens of San Francisco. MOD management notes they currently receive 40 to 50 complaints per month. Most of these "complaints" are either requests for services or questions regarding affordable, ADA-accessible housing. An issue formally can be a complaint only if a person meeting appropriate criteria is denied service. During our interviews we learned that not all complaints are recorded. A log of complaints and their resolution is, therefore, incomplete.

Recommendation 8: Maintain a Complete Complaint Log

The CGJ recommends that a complete complaint log be maintained.

Response

Walter Park Director Mayor's Office on Disability September 25, 2001

MOD maintains a complete complaint log of cases it receives in the MOD office. Not all city departments maintain ADA Grievance logs, but they do maintain individual case records in nearly all cases.

As a part of the adoption of the ADA Grievance Procedure, MOD will create a new database for uniform tracking of ADA complaints. Without training and better procedures, however, such a log would not reflect actual ADA complaints. The database will rely on uniform rules of due process in grievance handling throughout the City.

Finding: The Current MOD Complaint Procedure Is Inadequate

MOD management notes that the current grievance procedure is inadequate and is in the process of developing a new, more complete procedure, which will denote MOD as the "ADA Coordinator" (intended in ADA requirements to be the central receiver of complaints). MOD management expects that the new procedure, once approved, will make MOD authority over proposed disability actions at other City departments more than hortatory. MOD management state that they also intend to upgrade the database.

Recommendation 9: Finalize the Complaint Procedure

The CGJ recommends that a new MOD complaint procedure be finalized.

Response

Walter Park Director Mayor's Office on Disability September 25, 2001

This is an important issue that MOD has been working on this year in conjunction with a group of ADA Coordinators and the Self-evaluation consultant. A new citywide complaint procedure will be proposed and implemented during the current

fiscal year. The policy now being drafted addresses: notice of rights, accessible communications, required maximum response times, training, and consistent record-keeping.

CHAPTER 5 DEPARTMENT OF ELECTIONS

BACKGROUND

The CGJ investigated the operations of the Department of Elections (DOE). The investigation was begun, in part, due to DOE intentions to use new technology (the Eagle™ optical scanning system) for the November 2000 election instead of punch cards. Also, the district election system, enacted by San Francisco voters in November 1996 (to elect supervisors by geographical region rather than at large by all City voters), was implemented in the November 2000 election. The review encompassed the November 2000 election, the December 2000 runoff election, and the Supervisorial District 7 recount.

RESULTS

The Civil Grand Jury made 10 recommendations and required responses from the following:

Department of Elections
Department of Public Health

Finding: Elections Does Not Have Adequate Guidelines to Allow Observation of Voter Counting

DOE does not have adequate guidelines in place regarding how groups are permitted to observe vote counting processes, nor which types of groups have what levels of access.

- Identified by CGJ during November 2000 election
- Also a concern noted in the June 2000 CACE Report

Recommendation 1: Prepare Written Guidelines

The CGJ recommends that DOE prepare written departmental guidelines regarding how groups are permitted to observe vote counting processes, and which types of groups have what levels of access.

Responses

Tammy Haygood Director Department of Elections August 27, 2001

The California Election Code delineates certain legal requirements regarding observation of the vote counting process including the canvassing of ballots. Last October the department published a policy for observers of the canvass. The Department agrees that clear and concise written policies enhance the public's confidence in the process.

Historically, vote count observation policies have been in place. However, those policies were relevant to the punchcard system, used until November 2000. The technological requirements of the Eagle optical scan system rendered the previous policy obsolete. The Eagle memory pack tapes were scanned at uplink centers throughout the City. Consequently, with the exception of absentee and provisional ballots, there was no counting of votes at the Department of Elections on Election night.

Additionally, because of the aforementioned new systems, all staff members as well as volunteers were enlisted for critical tasks on Election Night and hence, unavailable to assist observers. The department has recently hired a director and new managers are being placed. By the 2001 November election, policies and procedures will be developed and available in printed form.

John Arntz Interim Director Department of Elections June 14, 2002

DOE developed brochures that explain observation guidelines and levels of access. DOE provides these brochures to all people who want to observe the election process. A staff person accompanies observers to answer observers' questions.

Finding: Elections Needs to Ensure Ballot Privacy

DOE needs to review secrecy envelope provisions to ensure ballot privacy for the larger Eagle system ballots.

- Identified by CGJ during November 2000 election
- Citizen complaint, November 2000 election
- Identified by CGJ during December 2000 runoff
- Also a concern noted in the 1998 Secretary of State Report

Recommendation 2: Review Secrecy Provisions to Ensure Ballot Privacy

The CGJ recommends that DOE review secrecy envelope provisions to ensure ballot privacy for the Eagle system ballots.

Responses

Tammy Haygood Director Department of Elections August 27, 2001

Each and every polling place is supplied with secrecy envelopes. Voters may keep their ballot in the envelope to maximize privacy until they enter the ballot in the Eagle. However, because the Eagle was new to voters and poll workers in the November and December elections, poll workers were instructed to have one of their colleagues stationed at the Eagle to assist voters and ensure the functioning of the machine. Poll workers are always instructed to ensure the greatest degree of privacy possible.

John Arntz Interim Director Department of Elections June 14, 2002

DOE trains all poll workers to give secrecy envelopes to all voters. The poll workers are also instructed to inform the voters that after marking their ballots, the voters are to place the cards into the secrecy envelopes, carry the ballots to the Eagle machine, and then individually feed the cards into the Eagle. After placing the cards into the Eagle, the voters return the secrecy envelopes to the poll workers. Still, training must still focus on this issue since not all poll workers followed their training or did not clearly explain the use of the secrecy envelopes to the voters.

Finding: Public Health Is Not Sending Monthly Voter Roll Updates to Elections

DPH is not meeting its commitment to send monthly voter roll updates to DOE.

- Identified by this CGJ (as follow-up item)
- Also a concern noted in the 1997-1998 CGJ Report
- Also a concern noted in the June 2000 CACE Report
- Also a concern noted in the 1998 Secretary of State Report
- · Also a concern noted in the Fair Vote Report

Recommendation 3: Transmit Voter Roll Updates

The CGJ recommends that DPH recommit to monthly transmittal to DOE of voter roll updates. The CGJ acknowledges that budget restrictions may impact the ability to meet this previous commitment. However, maintenance of the voter rolls is an important function. Therefore, we encourage DPH and DOE to work together towards a solution. Possible methods for resolution of this recommendation might include:

- DPH and DOE jointly hiring a temporary or full-time information specialist, who
 would be responsible for database update and maintenance in both departments.
- DPH hiring temporary workers to handle data update.
- DOE staff review daily obituary notices to flag names in the voter rolls, until such time as the next data transmittal from DPH is received.

Responses

Mitchell Katz, M.D. Director Department of Public Health August 23, 2001

It is the Department's policy to transmit death information to the Department of Elections on a monthly basis in order for DOE to update voter rolls. The Department of Health agrees with the finding that all death records were not regularly transmitted to the Department of Elections during the period between January to April 2001. This was due to shortage of staff, and large backlogs in filling orders for birth certificates.

The Grand Jury recommendation to transmit the information monthly has been implemented. Since May 2001, the Department of Health has transmitted all records of deaths of San Francisco residents for calendar year 2000, and continues to transmit death records on a monthly basis as this data is input into the Department of Health database. Electronic data has been transmitted for all deaths as of February 2001. Additionally, the Department has been notifying the Department of Elections of all deaths of San Francisco residents as they occur by sending copies of death certificates. At this time, the Department of Elections has either electronic notification, or hard copy certificates for all deaths for this year.

The Department is in the process of upgrading to a new database system that will be implemented by the fall of 2001. Once implemented, all electronic data will be up to date, and transmitted to the Department of Elections on a monthly basis. The Department does not expect that additional staff will be required in order to provide data to the Department of Elections on a regular basis.

Tammy Haygood Director Department of Elections August 27, 2001

The City Administrator contacted the Department of Public Health and arranged for a monthly report to the DOE of the deaths of San Francisco citizens. DPH is fully cooperating and thus assisting in expediting a monthly purge of the rolls of registered voters.

John Arntz Interim Director Department of Elections June 14, 2002

Since the CGJ report, DOE and DPH have worked closely to resolve this issue. DPH transmits death records monthly as well as provides hard copies. DOE acted on the CGJ's advice and reviews obituary notices to find if registered voters have passed away.

Finding: Elections Needs to Identify Violators of Election Laws

Currently, DOE only records the name of the campaign associated with electioneering. However, in order to pursue any cases of electioneering, the Secretary of State must have definitive evidence identifying violators.

- Identified by this CGJ in analysis of election database statistics section
- Also a concern noted in the 1998 Secretary of State Report

Recommendation 4: Identify Persons and Campaigns

The CGJ recommends that DOE initiate an electioneering policy or procedure by which both the names of persons and the campaigns are recorded such that there is definitive evidence identifying violators.

Responses

Tammy Haygood Director Department of Elections August 27, 2001

The DOE works with other City agencies to ensure there is no campaigning within 100 feet of a polling place. The Police Department and the Department of Public Works are put on notice for Election Day and will be available to expedite the removal of persons or offending signs, banners and any other campaign paraphernalia. The DOE strictly adheres to the California Elections Code. Poll workers are trained to identify and challenge persons they believe are guilty of electioneering. They are provided with phone numbers in order to obtain assistance.

John Arntz Interim Director Department of Elections June 14, 2002

DOE reviewed its policies on electioneering and published the updated policy in the manuals given to all poll workers. DOE also mailed its electioneering policies to all candidates and campaigns three weeks before the election. When poll workers call into DOE's phone center on election day to relate electioneering activities, DOE asks the poll workers to discern the name of the people involved in the activities. The names of people who are electioneering are written on the problem-tracking sheet. Many poll workers, however, are uncomfortable with asking names of people who are promoting a candidate or measure, or are often treated disrespectfully when asking for information. In these cases, DOE contacts the Sheriff's deputies assigned to supporting polling place security to visit with the people who are electioneering and to create a report.

Finding: Pollworker Training Needs to Be Updated

- Pollworker training did not prevent potential ballot secrecy issues
- Supervisorial District 7 Recount indicated problem with incorrectly processed provisional ballots by pollworkers
- Possible problem with voters signing rosters noted in Board of Supervisors hearing
- Potential loss of rosters noted in Board of Supervisors hearing
- Pre-election checklist could avoid many problems in the election database (pollworker manual has detailed post-election checklist, but pre-election material is spread across several paragraphs).

Recommendation 5: Update Pollworker Training

The CGJ recommends that pollworker training needs to be updated regarding the following issues identified in this report:

- · potential ballot secrecy issues
- incorrectly processed provisional ballots by pollworkers
- · proper methods for voters to sign rosters
- · traceable control of election materials, including rosters
- pre-election checklist

Responses

Tammy Haygood Director Department of Elections August 27, 2001

The Poll Worker Manual is revised for every election. The issues and complications resulting from last year's implementation of the Eagle Optical Scan system will be addressed in this year's Poll Worker Manual. Very specific instructions for processing of provisional and absentee ballots as well as instructions for use of the roster and its return are always emphasized in the poll worker training classes. Poll workers are encouraged to request assistance on Election Day from the Field Election Deputy assigned to their precincts. Field Election Deputies will be utilized in the 2001 elections.

John Arntz Interim Director Department of Elections June 14, 2002

Potential ballot secrecy issues

DOE trains its poll workers to instruct voters on how to use the secrecy envelopes and concentrated on this issue in its latest training. Still, DOE needs to continue to focus on this issue since not all poll workers would provide the secrecy envelopes to the voters, or, would not clearly explain how to use the envelopes.

• Incorrectly processed provisional ballots by poll workers

DOE focused a large section of training time on the issue of processing provisional ballots and envelopes. The March 2002 Primary was probably the most confusing election in regards to provisional voting since not all voters received the same cards, or, the same number of cards. DOE will again focus on provisional voting for upcoming elections. Now, after the March 2002 election, the process will seem simpler to the poll workers since voters will receive the identical cards in the same number.

• Proper methods for voters to sign rosters

DOE recognizes that poll workers need to be more precise in their oversight of roster signings. In the rosters for the next elections, DOE plans to separate the voters who received absentee ballots from those who did not. This will provide a visual clue to poll workers that voters who received absentee ballots do not sign rosters when dropping off their ballots. DOE expects that if poll workers cannot find voters in the sections of voters who did or did not receive absentee ballots that

these voters should vote provisionally and sign the provisional roster. Training will emphasize these points.

• Traceable control of election materials, including rosters

The Sheriff's Department mentioned this issue in a recent meeting with DOE. DOE will have further meetings with the Sheriff's Department to review traceable control. Also, DOE will review this issue as it plans for the November 2003 election and probably December run-off since the tracing of materials is not only necessary to maintain the integrity of the election process, but also to promote more effective canvassing operations.

DOE's current system for tracing election materials includes the bar coding of the rosters, the bags in which ballots for inspectors are placed, and the boxes into which ballots and rosters are returned to DOE after the close of voting. The bar codes on the bags are scanned when the inspectors receive their ballots. The rosters and boxes are scanned when DOE receives possession of them again after the polls close. In this way, DOE can track who received the ballots prior to the election, and when returned to DOE's' possession following an election.

• Pre-election checklist

The meaning of a pre-election checklist is not clear. Still, DOE provides checklists to its inspectors on what the inspector must possess to run his or her precinct. DOE will also create checklists for inspectors in the opening of polls and in the closing of polls. These checklists will be included in the poll worker manual. Also, DOE is finalizing a calendar that lists the important tasks and dates for a specific election. A draft of this calendar is included in the materials provided to the Controller's Office.

Finding: The Board of Supervisors Should Remedy Costly Runoff Elections

The Board of Supervisors should move forward with legislation to remedy potentially costly runoff elections.

Observation from December 2000 runoff election

Recommendation 6: Proceed with Legislation

The CGJ recommends that the Board of Supervisors move forward with legislation to remedy potentially costly runoff elections.

Responses

Tammy Haygood Director Department of Elections August 27, 2001

The formula for the conduct of a runoff election is a policy decision for the Board of Supervisors. The DOE will cooperate with the Board by providing information.

John Arntz Interim Director Department of Elections June 14, 2002

Voters passed proposition A in the March 2002 Primary election that mandates that DOE institute instant run-off voting for the November 2002 election, and if this is not practicable, for the November 2003 election. DOE is currently meeting with its vendors to develop the processes necessary to successfully implement instant run-off voting. The vendor is not at this time prepared to present to the Secretary of State for certification an instant run-off voting system. DOE plans to institute this new system in November 2003.

Finding: Elections Staff Training Needs to Be Updated

- Identified by CGJ during December 2000 runoff
- Supervisorial District 7 Recount, see Attachment 3, Table 2 (Attachment 3 is not included in this report, please contact CGJ to obtain a copy of the attachment.)
- · Board of Supervisors Hearing, wanding and roster handling
- Also a concern noted in the June 2000 CACE Report
- Potential loss of rosters noted in Board of Supervisors hearing

Recommendation 7: Update Training

The CGJ recommends that DOE staff training be updated regarding the following issues identified in this report:

- Guidelines for preparation of duplicate ballots
- Handling of ballots
- Wanding of rosters
- · Positive traceability of election materials, including rosters
- · Handling of Eagle memory packs during upload process

Responses

Tammy Haygood Director Department of Elections August 27, 2001

The DOE is committed to implementing the above suggestions as it does for each and every election. Those suggestions specific to the new voting system will be implemented with attention to the information gleaned from the 2000 elections.

John Arntz Interim Director Department of Elections June 14, 2002

• Guidelines for preparation of duplicate ballots

DOE staff created a standard policy regarding the preparation of duplicate ballots. Those procedures are enclosed in the hard copy materials provided to the Controller's Office.

· Handling of ballots

DOE is reviewing its ballot handling processes from the formatting and printing of the ballots to the coordination and distribution to the poll workers before election day. Ballot security has been one issue that has received considerable attention and DOE will continue to review its procedures related to this issue. Also, DOE will seek to reduce its expenditures on personnel by planning more efficient methods in the handling of ballots.

Wanding rosters

DOE is reviewing all policies and procedures currently available for staff. The policies and procedures will be compiled together and available as a reference source to the entire department. Some operations, however, do not have written explanations, or, the explanations are out of date. DOE will update its approach to wanding rosters.

• Positive traceability of election materials, including rosters

This topic was discussed in regards to poll worker training. DOE will need to review its policies and handling of election materials, including rosters, prior to instructing poll workers.

• Handling of Eagle memory packs during upload process

DOE has a manual that completely explains necessary uplink procedures. The manual is used in the training of the uplink teams and Sheriff's deputies who organize the Parking Control Officers who retrieve the memory packs from the precincts.

Finding: Election Database Statistics May Be Useful

DOE election database statistics appear to be potentially useful data by which to identify further areas for review for possible improvement

- Database apparently does not allow for automatic summation of data
- DOE staff sometimes make duplicate or inaccurate data entries

Recommendation 8: Continue to Use Election Database

The CGJ recommends that DOE continue to use the election problem database, and analyze statistics. Personnel updating the database should be given guidance as to avoiding duplicate or inaccurate information. The PAIR codes should be reviewed and updated (e.g., Eagle codes used during elections do not appear on current PAIR form). Items currently logged as "other" under each major subcategory should be reviewed to see if new categories are advisable.

Responses

Tammy Haygood Director Department of Elections August 27, 2001

The DOE is considering new methods for responding to problem calls from poll workers on Election Day. Formerly, volunteer City employees answered the calls and entered the problem information on the PAIR form. The form was then taken to another room for data entry. Pair form duplication would occur when a repeat call was taken by another volunteer. The process will be refined for the November election.

John Arntz Interim Director Department of Elections June 14, 2002

DOE will continue to use the problem database and will update the PAIR codes for the upcoming elections to better capture information. DOE will analyze the database and tracking forms from the 2001 and March 2002 elections before updating the PAIR.

Finding: Voter Instructions Appear to Be Inadequate

- Supervisorial District 7 Recount, see Attachment 3, Table 2 (Attachment 3 is not included in this report, please contact CGJ to obtain a copy of the attachment.)
- Board of Supervisors Hearing, roster signing

Recommendation 9: Review and Update Voter Instructions

The CGJ recommends that voter instructions be reviewed for possible update regarding the following issues identified in this report:

- · More warnings regarding the consequences of overvoting
- Actions to avoid when filling out absentee ballots (do not sign, cut in half, etc.)
- Reminder to have current signature on file at DOE, or absentee ballot could possibly be rejected for signature mismatch
- · How to properly sign precinct roster

Responses

Tammy Haygood Director Department of Elections August 27, 2001

Voter information, as well as poll worker training for the upcoming election cycle, will include the above recommendations.

John Arntz Interim Director Department of Elections June 14, 2002

DOE agrees to review the instructions for overvoting, filling out absentee ballots, updating signatures on file, and the signing of rosters. There is sufficient time prior to the November 2003 election to hold staff meetings on these issues and to improve DOE's approach.

Finding: Revision Dates Needed on Some Forms

Some DOE printed materials do not have revision dates on them (for instance, the PAIR form).

- CGJ finding
- Also a concern noted in the Fair Vote Report

Recommendation 10: Print Materials With Revision Dates

The CGJ recommends that DOE printed materials have revision dates on them (for instance, the PAIR form).

Responses

Tammy Haygood Director Department of Elections August 27, 2001

The DOE agrees and will print the date on every revised form.

John Arntz Interim Director Department of Elections June 14, 2002

DOE adopted as its departmental policy that revision dates will be included on documents. DOE personnel will also include filenames and paths when creating, sharing, and updating most documents.

CHAPTER 6 FILM AND VIDEO ARTS COMMISSION

BACKGROUND

The 1999-2000 San Francisco Civil Grand Jury (CGJ) investigated the San Francisco Film and Video Arts Commission (SFFVAC) and issued a final report on August 23, 2000. A response from the SFFVAC was received on January 9, 2001. Upon reading both the report and the response, a decision was made by the 2000-2001 CGJ to continue a business review of the SFFVAC. We felt the strong contrast between the 1999-2000 CGJ recommendations and the SFFVAC responses warranted additional inquiry and analysis.

RESULTS

The Civil Grand Jury made six recommendations and required responses from the following:

Controller

Executive Director, San Francisco Film and Video Arts Commission Mayor

San Francisco Film and Video Arts Commission

Finding: The Film Commission Spends a Large Part of Its Time Dealing With Permits

The SFFVAC spends a large part of their business day helping individuals obtain permits or giving out general information on how to obtain permits for potential projects in San Francisco.

Recommendation 1: Move the Permit Process to the Planning or Police Departments

The CGJ recommends that the permit process be moved out of the SFFVAC to the Planning or Police Department. Both of these departments spend enormous resources serving neighborhood processes. By moving this time consuming process, valuable SFFVAC resources could be redirected to bring new business into San Francisco.

Responses

Steve Kawa Deputy Chief of Staff Office of the Mayor September 25, 2001

The Mayor's Office does not agree with this recommendation. The Office of the San Francisco Film and Video Arts Commission is charged with the responsibility of coordinating with all city departments to help obtain the correct permits or use agreements for film production throughout the City and County. This is a function that requires a specific understanding of the film industry and the city's numerous departments and commissions. The permit process has been successfully handled by the SFFVAC and is not a responsibility that should be shifted to the Planning or Police departments. The focus of these two departments is addressing land use issues and maintaining public safety, which ensures that San Francisco is an attractive location for film activities.

Robert Morales President San Francisco Film and Video Commission

[The commission did not include a date on its letter with its responses.]

It is an industry standard that Film Commissions issue "permits" (Use Agreements) for the city or county that they represent. The SFFVAC is a member of the Association of Film Commissions International (AFCI). This association works with film offices all over the world to create a consistency in the process. Had the CGJ thoroughly investigated its recommendation it would have contacted the AFCI and the California Film Commission and learned the importance of this consistency. Both organizations would meet this proposal with great opposition.

That aside, the SFFVAC works closely -daily, if not hourly -with other city departments, specifically the SFPD, DPW and DPT, to coordinate all projects. Also, the SFFVAC serves neighborhoods, both merchants and residents, to protect them from excessive or irresponsible filmmaking and keep a positive balance.

Steve Kawa Deputy Chief of Staff Office of the Mayor July 3, 2002

The Mayor's Office response remains unchanged to this recommendation. The permit process is best administered through the Film and Video Arts Commission. Moving the permit process to departments with other functions will not result in notable efficiencies.

Finding: Neighborhood Districts Need to Be Included in the Film Production Process

Four supervisorial districts (Districts 1, 2, 3, and 6) are the SFFVAC largest customers with approximately 84% of all production shoots. Two districts (Districts 3 and 6) contain approximately 63% of all production shoots.

These San Francisco neighborhoods and their corresponding associations are valuable business partners for the City. The City needs their cooperation and property to insure successful film projects. The neighborhoods understand the importance of the SFFVAC business, as many are successful business owners in the City. They respect the need for outside revenue to underwrite or maintain City services. Currently, they do not receive a proper voice in the film production process.

Recommendation 2: Appoint Film Commissioners to be Neighborhood Association Representatives

The CGJ recommends that a minimum of three positions out of the current eleven SFFVAC commissioners be appointed neighborhood association representatives. Neighborhood representation on the SFFVAC will educate all parties and encourage ideas for new business. It will make these valuable taxpayers part of the process and make them accountable for the projects' success.

Response

Board of Supervisors

The Civil Grand Jury required a response from the board of supervisors. As of July 2002, the board has not submitted a specific response to the recommendation. The

clerk of the board of supervisors has, however, submitted the general responses shown on pages seven and eight of this report.

Finding: The Film Commission's Website Needs Improvement

The current SFFVAC website does not contain all the information needed by customers. For instance, many small production companies complained about not getting accurate information or complete explanations of the SFFVAC permit process. At a minimum, the site should afford the smallest customer information on how to obtain permits and begin the process for their projects. Over 65% of the SFFVAC's 558 customers in 2000 were small offices with one-day shoots who could make efficient use of an online system for their needs. The website should be updated regularly and educate its users on the availability of neighborhoods and permit process for video and film production projects.

There is an enormous amount of web design talent in the Bay Area. Given the interest in and the importance of the business of the SFFVAC, and the downturn in business in San Francisco's "Multimedia Gulch," many internet/website professionals are available to design website enhancements.

Recommendation 3: Update the Website to Include More Pertinent Information

The CGJ recommends that the SFFVAC website be updated to include more pertinent information for small business.

Response

Robert Morales
President
San Francisco Film and Video Commission

There are three main components to the permit (Use Agreement) process: Application, Fee and Insurance. These three components are clear on the SFFVAC web-site. Depending on the scope of a particular project, there can be many more nuances than the named three. The CGJ came to the conclusion that the SFFVAC does not express accurate or complete information. They came to this conclusion by questioning production companies that filmed in San Francisco in the year 2000. The list was provided by the SFFVAC; it included titles, production type, fees collected, phone numbers and dates. It did not include location/production manager names or numbers. The location/production manager is the liaison between the production and the SFFVAC, it is he or she that knows the permitting (Use Agreement) process. Regarding this matter, it is likely that the CGJ spoke to inappropriate representatives from the production companies. It is likely that they spoke to a person who, though very versed with shutter speeds or film stocks, doesn't fully comprehend the permit (Use Agreement) process.

Finding: The Film Commission Needs a Business Plan

A business plan needs to be developed to restructure costs for large production companies and contingency planning developed to address business and jobs leaving the City. The plan should address new business and target large-budget productions. A section of the plan should address the numerous small business requests, how this business can be maintained and served more efficiently.

As another part of the business plan, the SFFVAC should look into enhancing the use of the City's other seven districts. A marketing project for these districts could be one part of the business plan with associated incentives for their use. The neighborhoods are very interested in enhancing the film business for the City and are sophisticated in terms of their business understanding.

Recommendation 4: Develop a Formal Business Plan

The CGJ recommends that a formal business plan be developed to provide increased revenue and visibility for the City and County of San Francisco. The CGJ recommends that the plan address new business and target large-budget productions as well as the practices used by other film commissions, including aggressive outreach.

Response

Robert Morales President San Francisco Film and Video Commission

The CGJ asks that a business plan be implemented to increase production. A plan does exist, and within the past 3 years the SFFVAC has experienced a growth in production of up to 45%. It is unfortunate that the CGJ, while investigating the SFFVAC, did not question the SFFVAC after speaking with two other unnamed Film Commissions. The two anonymous Film Offices stressed the importance, to the CGJ, of phone calls and mailings to industry executives and daily readings of industry trade magazines. The SFFVAC both calls and sends mailings to industry executives, and we read trade magazines daily. In addition, the SFFVAC attends several trade shows annually. It is an excellent opportunity to talk one on one with producers, directors and location managers. The trade shows, designed and produced by the AFCI, have an estimated attendance of over 5,000 industry executives per event. The SFFVAC attends these shows jointly with the other seven local Film Commissions -Oakland, San Jose, Sonoma, Vallejo, Tri Valley, Berkeley and Monterey -to encourage film production in San Francisco and the greater bay area. The CGJ was advised by the anonymous Film Commissions that trade shows are non-productive. It is a steadfast industry standard that film commissions nationwide attend these events; to overlook them would be an injustice to the community that they represent. The Los Angeles Film Office boycotts LA trade shows as they believe it takes business away from their city.

That fact alone -that the film office in the center of the industry boycotts trades shows - suggests their productive possibilities. It would be interesting to find whether the LA Film Office was either of the unnamed Film Commissions.

Finding: The Film Commission May Not Have Charged or Collected Appropriate Fees

The database printouts provided by SFFVAC (Attachments 1 and 2) appear to have multiple irregularities. As a result, it is not clear from these data that all appropriate fees have been charged or collected.

Recommendation 5: The Controller Should Conduct an Audit of the Film Commission Fund

The CGJ recommends that the Controller perform an audit of the SFFVAC fund (Administrative Code Section 10.100-297) and the associated production permit records to verify that fees have been appropriately assessed and collected.

Responses

Edward Harrington Controller Office of the Controller July 31, 2001

The Controller's Office will do the audit as recommended.

Edward Harrington Controller Office of the Controller July 12, 2002

The Controller's Audits Division has sent the San Francisco Film and Video Arts Commission an entrance letter notifying the agency that it will be starting the audit of its fund.

Finding: The Film Commission Needs to Improve Producing Reports

Production of reports by the SFFVAC appears to be cumbersome. It is possible that these issues could be resolved by an upgrade to the database, allowing for the entry of more types of useful data, such as production location and dates. The SFFVAC should review how best to use its valuable data to produce useful reports for business planning. Accuracy of information for its users and the SFFVAC will help for future planning as well as verify their business plan findings.

Recommendation 6: The Film Commission Should Revise Its Database

The CGJ recommends that the SFFVAC revise its database parameters to include location and date of production, and possibly other information in order to provide more useful business development tools and aid in their relationships with neighborhood associations.

Response

Robert Morales President San Francisco Film and Video Commission

In the recent past, the SFFVAC scheduled productions on a written calendar, then recorded them electronically. At present, the SFFVAC schedules and records productions on an electronic calendar, then records company name, contact information and fee's collected into an electronic database. The City's LAN Administrator is in the process of creating new electronic calendars for every City department. The SFFVAC has been coordinating with the LAN Administrator to tailor this new system so that all the pertinent information can be included.

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CHAPTER 7 LITTER AND GRAFFITI

BACKGROUND

San Francisco is currently experiencing an epidemic of graffiti, illegal trash dumping and litter upon the streets and sidewalks. Due to these concerns, the 2000-2001 Civil Grand Jury (CGJ) investigated these problems. We are pleased to note that the Department of Public Works is moving aggressively to implement many of the recommendations gleaned from the recently held Clean City Summit. These recommendations, when fully implemented, should help alleviate the problems discussed in this report.

RESULTS

The Civil Grand Jury made nine recommendations and required responses from the following:

Board of Supervisors
Department of Parking and Traffic
Department of Public Works
Mayor
San Francisco Police Department

Finding: The Mayor and Board of Supervisors Must Assume a Leadership Position in Resolving Problems of Litter and Graffiti

Section 3.100 of the San Francisco City and County Charter states that "the Mayor shall enforce all laws relating to the City and County." During its investigations, the CGJ has seen several good initiatives taken by the City in response to the problems of graffiti, litter and illegal dumping. However, if San Francisco is to resolve these problems, both the Mayor and Board of Supervisors must additionally assume a highly vocal leadership position.

Recommendation 1: The Mayor Should Adopt a Highly Visible Leadership Role in the War Against Graffiti

The CGJ recommends that the Mayor adopt an aggressive and highly visible leadership role in the war against graffiti, litter and illegal dumping. The Mayor must insist on mandatory enforcement of existing laws.

Response

Steve Kawa Deputy Chief of Staff Office of the Mayor September 25, 2001

The Mayor maintains an aggressive stance against graffiti, litter and illegal dumping and provides proactive leadership on the cleanliness of the City and County. This administration has strengthened policies and activities to clean up and prevent graffiti, litter and illegal dumping. The Mayor has spearheaded numerous programs to clean up the City, including the semiannual citywide Great Sweep, the Clean City Summit and the development of Community Clean Teams. The Mayor actively supports the city agencies charged with enforcing laws related to keeping the City clean. As well, the Mayor has supported strong increases in fines to deter littering and dumping. The Mayor has informed San Franciscans of their legal responsibility to observe litter and illegal dumping laws and remains committed to maintaining the cleanliness of the City.

Finding: Enforcement of Litter Laws is Inadequate

Enforcement of litter laws is inadequate. New police officers cannot be expected to enforce litter laws if they have not been adequately introduced to their existence. Until the establishment of the Graffiti Abatement Team, the only class of City employees who appeared to consistently enforce litter laws were the environmental control officers

(ECOs). Adding the approximately 300 Traffic Control Officers to the pool of personnel issuing citations and placing increased emphasis on police enforcement of litter laws should produce a significant improvement in the City's appearance.

Recommendation 2: Instruct New Police Officers on Litter Laws

The CGJ recommends that the curriculum for the Police Academy be revised to add sufficient time to acquaint new police officers with the local Municipal Police Code regarding graffiti, litter and illegal dumping.

Responses

Fred H. Lau Chief of Police Police Department September 20, 2001

Police Academy instructors have reviewed the recommendation of the Civil Grand Jury and have agreed to extend coverage of City Ordinances relating to graffiti and litter in their presentations during recruit training.

Fred H. Lau Chief of Police Police Department June 12, 2002

The Police Academy implemented amendments to the Basic Course in January 2001 that expanded the Municipal Code training block from two hours to four hours. Extra focus has been placed on those areas of enforcement that were the subject of the Civil Grand Jury's recommendation.

Recommendation 3: Provide Training to Existing Police Officers on Litter Laws

The CGJ recommends that the SFPD provide in-service training for existing officers on the contents of the Police Code regarding litter.

Responses

Fred H. Lau Chief of Police Police Department September 20, 2001

The Police Department will provide coverage of graffiti and litter laws to its existing officers through the roll call training program. Roll call training combines a number of instructional techniques and reaches the entire patrol force. Roll Call training is an established mechanism for updating department members on a wide range of law enforcement issues. The department anticipates a roll call lesson to be in place during December 2001.

Fred H. Lau
Chief of Police
Police Department
June 12, 2002

The Police Department, through its Academy, developed the Roll-Call Training (copy attached) in conjunction with the Department of Public Works. The lesson was distributed to all Police Department training coordinators and presented in November 2001. [The copy was not included as part of this report. Please contact the department to obtain a copy.]

Finding: The Police Code on Public Nuisances Needs to Be Strengthened

Police Code, Section 38 of Article 1, "Public Nuisances," designates officers and employees who may (emphasis added) "have the duty of enforcing these provisions of state law or the San Francisco Municipal Code that relate to the littering of private or public, including, but not limited to streets, sidewalks, parks, square or recreation areas within said City or County, the removal or abatement of any such litter from said private or public property or the unauthorized use of litter receptacles." Government Code, Section 14, states that "may" is permissive and "shall" is mandatory. The "may" in Section 38 should be changed to "shall." Such wording as presently exists emasculates the ordinance and makes it useless.

Recommendation 4: Change the Ordinance

The CGJ recommends that the word "may" in Police Code, Section 38 of Article 1 mentioned above be changed to "shall."

Responses

Board of Supervisors

The Civil Grand Jury required a response from the board of supervisors. As of July 2002, the board has not submitted a specific response to the recommendation. The clerk of the board of supervisors has, however, submitted the general responses shown on pages seven and eight of this report.

Steve Kawa Deputy Chief of Staff Office of the Mayor September 25, 2001

The Mayor's Office does not see a need for this change at this time. The officers and personnel with the authority to enforce laws against graffiti, litter and illegal dumping do so as a function of their jobs. They are well aware of their responsibilities and duties.

Steve Kawa Deputy Chief of Staff Office of the Mayor July 3, 2002

The Mayor's Office response remains unchanged. We do not believe such an amendment will improve code enforcement at this time.

Finding: More Enforcement Activities Are Needed to Fight Litter and Graffiti

In the past, the major burdens of fighting graffiti, illegal dumping and litter have been the responsibility of the Department of Public Works (DPW). We have found that DPW, in the areas we investigated, to be staffed with dedicated, hard working, highly motivated personnel who possess a genuine desire to rid the City of these problems. Working under the constraints imposed (i.e., money, lack of personnel and equipment) they are doing a magnificent job. These problems are so enormous, however, that DPW cannot succeed left to its own resources. DPW needs assistance from other departments, especially in the area of enforcement of the litter laws. The pool of 50 DPW personnel (ECOs, supervisors, and others) plus 300 Traffic Control Officers, with help from the SFPD, can stem the tide of the war on the problem.

Recommendation 5: Increase Enforcement Activities by Other Agencies

The CGJ recommends that Police Officers, Traffic Control Officers and ECOs increase their enforcement activities.

Responses

Board of Supervisors

The Civil Grand Jury required a response from the board of supervisors. As of July 2002, the board has not submitted a specific response to the recommendation. The clerk of the board of supervisors has, however, submitted the general responses shown on pages seven and eight of this report.

Fred M. Hamdun Executive Director Department of Parking & Traffic August 16, 2001

Although the Department of Parking and Traffic shares the same concerns the Civil Grand Jury has with the cleanliness of our city, I must disagree wholly with the finding that states Parking Control Officers are, "ideally situated to enforce graffiti and sidewalk cleanliness ordinances." Thus the recommendation will not be implemented because it is not reasonable.

It is not reasonable to expect Parking Control Officers to enforce graffiti and litter laws because they are not trained for such activity and were not employed with the expectation to be involved in such activity. Parking Control Officers are trained to issue citations to vehicles, not people. Citations issued by this agency are not criminal. Parking Tickets were decriminalized as a result of AB 408 in 1993. The type of enforcement activity the Grand Jury is recommending is best left to peace officers who have arrest powers and carry firearms. Any time you detain an individual for law enforcement purposes the level of danger that is presented to the officer is extreme and requires very specialized training -training that, as a group, Parking Control Officers do not have and, for the most part, do not desire for reasons of self-preservation.

Parking Control Officers already encounter severe verbal, emotional and sometimes physical abuse just in the course of dispensing their already varied duties. To increase these levels of abuse by asking them to become quasi-police officers would be irresponsible on my part. As the head of this agency, the safety of the people who work for me is and will always be my number one priority. I cannot in good conscience ask my unarmed officers to risk their lives.

The Grand Jury mistakenly anticipated my response as one of limited resources stating the following, "In anticipation of the Director's response that Parking

Control Officers do not have time enforce litter laws, we merely note that good, efficient managers accomplish their tasks even under trying conditions." I will respond by simply stating that the fundamental basis of good management begins with the simple principle of valuing and protecting the most important resource any manager possesses and that is the human resource. Thus, I do not agree with this recommendation and I will not implement it due to the reasons described above. I will however issue a bulletin requesting that, as with any criminal conduct witnessed, the officers take reasonable actions to report the crime and assist our comrades at the SFPD so long as those actions do not jeopardize the safety of the Parking Control Officers, Police officers or the public.

Fred H. Lau Chief of Police Police Department September 20, 2001

The Police Department has formed an alliance with the community and other city agencies to address graffiti and litter issues. Each of our 10 district stations are addressing both issues either through an assigned liaison officer or through a team effort with the Department of Public Works' Environmental Control Officers

All district stations work with the Graffiti Abatement Unit to obtain prompt graffiti paint outs. While approaches to these issues may vary from district to district, based on the degree of the problems, each station is treating the problems of graffiti and litter seriously. In addition to assigned liaison officers, district school cars continually stress an anti-graffiti message with students.

The Police Department, as well as other city departments, is addressing community concerns and is continuing its best efforts to enhance San Francisco's reputation as a world class city for residents and visitors alike.

The Police Department will continue its present efforts in these areas by roll call training on graffiti and litter statutes and ordinances and emphasizing its prevention and enforcement programs.

Edwin M. Lee Director of Public Works Department of Public Works September 24, 2001

DPW agrees with the need for additional enforcement. DPW has taken recent positive actions to combat the problem of graffiti, illegal dumping and litter through increased enforcement, education, and outreach including:

1. Increased the number of personnel with authority to write littering citations to 50 from the previous staff of 20.

- 2. Increased the number of Environmental Control Officers to 22, up from 14, providing for two officers for each supervisor district.
- Increased the number of stakeouts at known illegal dumping sites and approved additional overtime to allow extended ECO coverage on weekends and regular days off.
- Established and given wide publicity to its litter, graffiti, and illegal dumping hotline, 415-28- CLEAN resulting in approximately 4,500 incoming cases per month.
- 5. Implemented its Community Clean Team efforts with supervisorial districts as the focus. Each month, moving district by district, the program targets hot spots of trash and graffiti, while cleaning up and beautifying public parks and buildings, and areas surrounding neighborhood schools.
- 6. Increased the number of trash bins on City streets.
- 7. Assigned District Captains to each of the 11 supervisor districts to address the cleaning needs of each district in a timely and efficient manner. The District Captain is our point person who knows the area intimately and is best able to coordinate our personnel and resources while working with his or her counterpart from other City departments.

Steve Kawa Deputy Chief of Staff Office of the Mayor September 25, 2001

This recommendation is being implemented. Department of Public Works has increased the number of staff with the authority to issue littering citations to 50, such as street inspectors and district captains, and the number of Environmental Control Officers has been increased to 22 to improve litter and graffiti enforcement. The Police Department has an assigned liaison officer at each of the 10 district stations to respond to graffiti and litter issues in the community. As well, the Police Department works closely with the Environmental Control Officers from DPW to address graffiti and litter issues throughout San Francisco.

The Mayor's Office does not agree that Traffic Control Officers enforce graffiti and litter laws. This task would be inconsistent with the function of Traffic Control Officers.

Robert J. Carlson
Deputy Director of Financial Management and Administration
Department of Public Works
June 21, 2002

DPW recognizes the need for additional enforcement and as noted in our response has taken the following actions to combat the problem of graffiti, illegal dumping and litter through increased enforcement, education, and outreach including:

- 1. Increased the number of personnel with authority to write littering citations to 50 from the previous staff of 20.
- 2. Increased the number of Environmental Control Officers to 22, up from 14.
- Increased the number of stakeouts at known illegal dumping sites and approved additional overtime to allow extended ECO coverage on weekends and regular days off.
- Established and given wide publicity to its litter, graffiti and illegal dumping hotline (415)28-CLEAN resulting in approximately 4,500 incoming cases per month.
- 5. Implemented its Community Clean Team efforts with supervisorial districts as the focus. Each month, moving district by district, the program targets hot spots of trash and graffiti, while cleaning up and beautifying public parks and buildings and areas surrounding neighborhood schools.
- 6. Increased the number of trash bins on City streets.
- 7. Assigned Zone Supervisors to each of the 6 zones in the City to address the cleaning needs of each zone in a timely and efficient manner. The Zone Supervisor is our point person who knows the area intimately and is best able to coordinate our personnel and resources while working with his or her counterpart from other City departments.

Fred H. Lau Chief of Police Police Department June 12, 2002

The Police Department's Graffiti Abatement Unit actively pursues graffiti investigations with zero tolerance by seeking arrest and search warrants for chronic repeat offenders who continually vandalize the city. The Police Department recognizes that graffiti/vandalism and litter greatly contribute to the decay and blight of San Francisco's neighborhoods.

The Police Department has formed a close working relationship with numerous community groups and also with the Department of Public Works to address graffiti and litter issues. To enhance this relationship the Department of Public Works has assigned staff member Stephen Lee to work directly with Police Department Graffiti Abatement Unit on a daily basis. This has proved to be very successful and has increased both departments ability to solve common problems.

Each of our ten district stations have a Graffiti Liaison Officer. This officer monitors areas vandalized by graffiti and liaisons with community members and the patrol force to effect positive change. All district stations work with the Graffiti Abatement Unit to obtain prompt graffiti paint outs as needed. Additionally, each district station conducts mandatory paint outs on a bimonthly basis.

The Police Department works closely with the District Attorney's Office to ensure that misdemeanor and felony cases involving property crimes are filed and adjudicated.

The Police Department continues to address community concerns and make its best efforts to enhance San Francisco's reputation as a world class city for residents and visitors alike.

The Police Department will continue its present efforts in these areas by roll call training on graffiti and litter statutes and ordinances and emphasizing its prevention and enforcement programs.

Steve Kawa Deputy Chief of Staff Office of the Mayor July 3, 2002

The Mayor's Office response remains unchanged as the recommendation is currently implemented by the Department of Public Works and the Police Department.

Finding: Monetary Penalties for Violating Litter Laws Are Inadequate

The monetary penalties imposed on violators (if apprehended) of the litter laws are totally inadequate to deter such crimes. The low level of such fines borders on making it economically feasible to illegally dump. The maximum penalty of \$76 is an improbable deterrent.

Recommendation 6: Increase Monetary Penalties for Littering

The CGJ recommends that monetary penalties contained in the litter laws be increased as indicated above. The CGJ supports this proposed increase, and additionally urges that the minimum penalty for illegal dumping be increased to \$750 for first-time offenders and \$1000 for repeat offenders.

Responses

Board of Supervisors

The Civil Grand Jury required a response from the board of supervisors. As of July 2002, the board has not submitted a specific response to the recommendation. The clerk of the board of supervisors has, however, submitted the general responses shown on pages seven and eight of this report.

Edwin M. Lee Director of Public Works Department of Public Works September 24, 2001

In a letter dated June 14, 2001 to the Superior Court of California, DPW requested that the current average bail level of \$76.00 per infraction be increased to a minimum bail of \$270.00 for first offense for the following Municipal Code Sections:

- 1. 33 -Prohibition against throwing rubbish on streets
- 2. 34 -Occupant/Owner to clean sidewalk
- 3. 35(a) -Use of litter receptacles
- 4. 63(a)- Obstructions on streets and sidewalks
- 5. 94 -Nuisances
- 6. 280 -Dumping of refuse
- 7. 283 -Required containerization of refuse for dumping
- 8. 170(a) -Garbage receptacles prohibited on sidewalks
- 9. 170(b) -Lock required on can, container or receptacles
- 10. 173(b) -Placement and maintenance of litter receptacles
- 11. 173(c) -Placement and maintenance of ashtrays
- 12. 173(d) -Design, capacity, location and number of ashtrays
- 13. 173(e) -Receptacles to be emptied when full
- 14. 174- Nuisance on public sidewalks
- 15. 184.57(b) -Signs on public property
- 16. 184.58(b) -Signs on lampposts
- 17. 184.60- Damage to traffic control signs
- 18, 724.4- Litter-free construction work sites

- 19. 808(a) -Injury or destruction to trees
- 20. 808(b) -Injury or destruction to landscape materials
- 21. 1303 -Prohibition of graffiti

and Penal Code sections:

- 1. 374.3- Dumping on public or private property
- 2. 374.4- Littering on public or private property

On June 15, 2001, Mayor Willie L. Brown, Jr. wrote a letter to the Court (attached) requesting their consideration and cooperation in setting the bail at \$270 for first offenses. In response, the Superior Court of California, County of San Francisco, in a letter dated July 25, 2001 (attached), set bail for violations 374.3 and 374.4 at \$270 for citations issued after August 1, 2001. Consideration for increases in bails for the remaining violations was referred to the Court's Traffic Committee for review and recommendation. The department also agrees with the Civil Grand Jury recommendation that illegal dumping fines should be increased to \$750.00 for first time offenders and \$1,000.00 for repeat offenders. DPW will follow-up with this initiative once our request for the revised bail amounts noted above is approved. [The attachments are not included in this report. Please contact the department to obtain copies.]

Steve Kawa Deputy Chief of Staff Office of the Mayor September 25, 2001

The Mayor's Office supported the Department of Public Works June 2001 request to the Superior Court of California to revise the bail schedule from \$76.00 to \$270.00 for first time violations of specified litter laws contained in local Municipal and Penal Code sections. The Mayor's Office will consider the increase of penal ties for illegal dumping in consultation with the Department of Public Works.

Robert J. Carlson
Deputy Director of Financial Management and Administration
Department of Public Works
June 21, 2002

As noted in our original response, the Superior Court of California, County of San Francisco raised bail for two of the violations for illegal dumping and littering to \$270.00. The remaining requests for increases were forwarded to the Court's Traffic Committee and it is our understanding they are not recommending additional increases at this time.

Steve Kawa Deputy Chief of Staff Office of the Mayor July 3, 2002

The Mayor's Office does not see a need to increase the penalties for illegal dumping at this time. We believe that enforcement of current litter laws, increased access to garbage pick-up and recycling are better deterrents to illegal dumping then increased fines.

Recommendation 7: Institute a Reward System for Reporting Littering

The CGJ recommends that a reward system be instituted wherein citizens reporting graffiti, litter, or illegal dumping should be awarded a substantial portion of the penalty imposed on the convicted violator reported by them.

Responses

Board of Supervisors

The Civil Grand Jury required a response from the board of supervisors. As of July 2002, the board has not submitted a specific response to the recommendation. The clerk of the board of supervisors has, however, submitted the general responses shown on pages seven and eight of this report.

Steve Kawa Deputy Chief of Staff Office of the Mayor September 25, 2001

The Mayor's Office does not agree with this recommendation. It would be cost-prohibitive to implement this recommendation. The citizens of San Francisco benefit from an improved quality of life by reporting defacing or inviolate activities to the appropriate agency through the many highly publicized and readily available methods. A reward system will not increase reporting of graffiti, litter or illegal dumping.

Steve Kawa Deputy Chief of Staff Office of the Mayor July 3, 2002

The Mayor's Office response remains the same as last fall to this recommendation. We do not believe that a reward system for reporting graffiti, litter or illegal dumping will result in increased reporting.

Finding: The Department of Public Works' Communication System for Environmental Control Officers Is Not Efficient

The DPW has recently increased the number of ECOs from 14 to 22 (two per supervisorial district). During our ride-alongs with ECOs, we noted that ECOs in the field had a problem communicating with their home office. The ECOs use a radio to contact their office and regularly had to change channels to speak with a supervisor or co-worker and, at times, were completely out of contact with their home base. This situation should be corrected as soon as possible for both the safety of the ECOs and for more efficient performance of their duties.

Recommendation 8: Upgrade the Communication System

The CGJ recommends that the field communication system used by the ECOs be upgraded to permit more efficient performance of their duties and to increase their safety.

Responses

Edwin M. Lee Director of Public Works Department of Public Works September 24, 2001

DPW agrees with this recommendation and is in the process of upgrading the system used by the ECOs. We plan to have the system implemented by November 2001. Features of the new system include:

- Field access to data
- Capability to query information in many ways -document number, address, violator name, etc.
- Capability to view the violation history of an address or violator
- · Capability to query latest contractors' information
- Capability to print a summary of work activity during the day
- Instant electronic messaging among office and field personnel
- City map with incidence marker (GIS)
- Integrated with other DPW systems

The benefits from this new system will be:

- Faster response to the public
- · Streamlined field and office operations
 - a) ECOs can spend less time on paperwork in the office and more time on education and enforcement in the field
 - Shift from paper reports to electronic report is environmentally friendly and enables managers to more readily identify "hotspots" and reallocate resources accordingly
- Improved management reporting
- Real-time access to violator history improves ECO safety

Robert J. Carlson Deputy Director of Financial Management and Administration Department of Public Works June 21, 2002

DPW agrees with this finding and has implemented Phase I of the project as described below. Phase II will be implemented in fiscal year 2002-03.

The new ECO system is a real time on-line system that allows automatic assignment of inspections to officers by "zone". This system tracks each contact from initiation through closure. ECO supervisors can assign, reschedule and track outstanding cases and monitor work load via system status screens and queries. At the end of the work shift, the system will provide a status report of work performed by each officer. Officers will also be able to keep notes on each case "on-line" and print them out as needed.

Project Phases Description

This project involves 2 distinct phases:

PHASE I – OFFICE DEPLOYMENT (COMPLETED)

In Phase I, the new ECO system was installed on the office computers currently used by the ECOs. All ECO staff have had the opportunity to become familiar with the new improved system while being trained by Computer Services staff. Among the immediate benefits of the new system are:

- 1. A prioritized task list view
- 2. GIS city map view
- 3. Inception to closure workflow tracking
- 4. Daily status reports

PHASE II - VEHICLE DEPLOYMENT

In Phase II, the system is transformed into a true computer assisted dispatch system. The latest version of the new ECO system will be installed on laptops to be mounted in ECO vehicles. Wireless communications will enable DPW dispatchers to electronically transmit service requests across the network for assignment to the appropriate ECO by zone. ECOs will already be familiar with system operation from their Phase I experience.

Field operations will be significantly streamlined. ECOs will be able to focus more on their professional responsibilities. Less time will be spent on clerical tasks. More time will be available for interaction with the public.

Finding: The Police Department's Graffiti Abatement Team Needs Access to Counseling for Youthful Offenders

The CGJ was pleased to discover evidence of positive progress in some areas. The Police Department's Graffiti Abatement Team consists of one person, who is augmented with light-duty police officers as available. The Team maintains a computer database that shows information regarding offenders, including pictures of the various tags, which can be used to identify habitual offenders. Information is shared with the SFPD Gang Taskforce. Graffiti damage up to \$400 is punishable by up to one year in jail, a \$10,000 fine, or both. Graffiti damage of \$400 or more can be punished as a felony by up to three years in prison and a fine of up to \$50,000. The Graffiti Abatement Team believes that the current penalties for graffiti are adequate. What the Team is concentrating on is change of behavior. The Graffiti Abatement Team notes that a number of adolescents they encounter have underlying mental health issues (such as lack of self-esteem), particularly with habitual graffiti offenders. The Team has need of access to counseling for these youth. If the causes for such behavior could be identified and resolved, it would result in a large dent to the graffiti problem in San Francisco. The Team is currently investigating possible access to counseling services through the school system since many of these juveniles also have truancy problems.

Recommendation 9: Provide Funding for Juvenile Counseling

The CGJ recommends that funding be provided for juvenile counseling as a part of the Graffiti Abatement Team.

Responses

Fred H. Lau Chief of Police Police Department September 20, 2001

Currently, the Police Department conducts group meetings with juvenile graffiti violators. Anger management and "peer" counseling (under the guidance of a police officer) are part of the program.

The Graffiti Abatement Unit supports obtaining a full-time counselor for juvenile offenders. Our Graffiti Abatement Unit, headed by Sgt. Limbert, is actively working with the School District and the Mayor 's Council on Criminal Justice to seek funding for a counselor.

Fred H. Lau Chief of Police Police Department June 12, 2002

Currently, the Police Department conducts group meetings with juvenile graffiti violators. Anger management and "peer" counseling (under the guidance of a police officer) are part of the program.

The Graffiti Abatement Unit is actively working with the School District on a limited basis to give priority to juvenile graffiti offenders to receive counseling services through the School District.

The Police Department has arranged through the Mayor's Juvenile Justice Council that Project Impact will accept juvenile referrals from the Graffiti Abatement Unit as an accepted referral source for services. Project Impact will deliver the mental health component of our program to the family and juvenile as necessary. The Graffiti Abatement Unit is working with Project Impact to finalize the best method for implementation.

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CHAPTER 8 NEIGHBORHOOD PARKING

BACKGROUND

A review of curb markings and parking signs shows a lack of scheduled curb marking maintenance, uneven enforcement of regulations, misuse of curb markings, and a general lack of review of curb marking programs to make them more effective, significantly reducing the number of viable street parking spaces. Many curb zones are no longer needed, oversized, unclear, or not effectively used or enforced. The Department of Parking and Traffic (DPT) needs to improve enforcement programs and efforts to keep the curb marking program up-to-date with the needs of a growing city.

The Civil Grand Jury (CGJ) recognizes and supports the City's "Transit First Policy" and Traffic Calming Program. Such efforts promote smart growth and livable streets for the City of San Francisco. However, through neighborhood surveys, meetings with neighborhood association leaders and discussions with both academic and city planning professionals, we have identified several approaches that can provide more efficient onstreet parking while maintaining the Transit First philosophy.

RESULTS

The Civil Grand Jury made 10 recommendations and required responses from the following:

Board of Supervisors Department of Parking and Traffic Municipal Railway

Finding: Curb Marking Are Faded

Many curb markings are faded and worn to a point where it is unclear if they are still active. In addition, yellow and white zones were observed in front of businesses that seem to have little need for them.

Recommendation 1: Establish Written Procedures for an Ongoing Maintenance Program to Repaint Curb Markings

The CGJ recommends that DPT have written procedures for an ongoing maintenance program to review, update and repaint curb markings, eliminating those no longer needed. This should be organized similarly to the DPW pothole program so that all areas are reviewed and adapted to the needs of the neighborhood.

Responses

Fred M. Hamdun
Executive Director
Department of Parking and Traffic
August 16, 2001

The Department of Parking and Traffic agrees with this finding and already has in place an established procedure for maintaining and reviewing all colored curb zones. The specific procedures vary depending on the different curb zone types.

Yellow (commercial zones), blue (disabled parking) and red (fire hydrant or wheelchair ramp) zones are included in an ongoing maintenance program similar to DPW's pothole program. The Paint Division of DPT routinely maintains these zones by area.

Any fee based zones, including white (passenger loading and unloading) and green zones (ten-minute limit) are typically renewed every two years. Proprietors of businesses that have had these zones established will be sent renewal invoices prior to the expiration date. If the business submits their signed invoices along with their renewal fees, the zones will be repainted. If a business does not submit renewal fees and invoice, the Paint Division will be sent to "grayout" the existing zone, returning it to general parking.

An exception to this is driveway red zones. These are done on a case-by-case basis, as this type of zone does not automatically expire. Residents must ask DPT to survey each driveway location to determine if any conditions have changed since the original installation, and evaluate the need and appropriateness of repainting each driveway red zone.

In order to improve our ability to maintain color curb zones, we have recommended an increase in our color curb fees to insure adequate staffing to manage the workload. Existing curb fees have not been increased since 1994.

Fred M. Hamdun Executive Director Department of Parking and Traffic May 28, 2002

Attached please find a copy of the Department of Parking and Traffic's response to the 2000/2001 Civil Grand Jury report. Please note that upon receipt of the Civil Grand Jury's recommendations, DPT already had practices and policies in place consistent with the majority of the suggestions. In regards to the remaining recommendations, DPT does not agree with and/or are not the proper agency to carry out the changes recommended and therefore, will not be implementing the proposals as stated. [The department resubmitted its responses dated August 2001.]

Finding: Bus Zones Need to Be Resized

Many bus zones are sized for articulated and/or multi-bus use, when only a single bus size stop is required. In addition, several observations were made showing that the buses do not pull into spots designated, loading or unloading customers in street lanes. MUNI policy is that buses pull up to the curb where such space is provided. In some cases, this amount of space is no longer required.

Recommendation 2: Reduce Size of Bus Zones

Reduce the size of bus zones in order to free up needed parking spaces. Bus zones should be sized for only one bus unless they are terminal stops or service articulated or multi-bus use.

Responses

Board of Supervisors

The Civil Grand Jury required a response from the board of supervisors. As of July 2002, the board has not submitted a specific response to the recommendation. The clerk of the board of supervisors has, however, submitted the general responses shown on pages seven and eight of this report.

Michael T. Burns General Manager Municipal Railway March 1, 2001

Bus zone sizes are based on peak need. It is essential that buses, especially at peak travel times, be able to pull completely out of traffic to allow private traffic throughput and maintain level of service. To reduce the space of a bus stop at peak times would have a direct impact on congestion, and consequently on transit itself. (Note: Allowing parking in bus zones at limited times of the day is addressed in detail below.)

Fred M. Hamdun Executive Director Department of Parking and Traffic August 16, 2001

The Department of Parking and Traffic defers all matters regarding location, length and hours of operation of bus zones to Muni's Operation's Division. All bus stop configurations are designed and implemented in close coordination with, and at the request of, Muni. We would not initiate proposals that directly impact the safety, efficiency or budget of our public transit agency. This recommendation, therefore, will not be implemented because the Department of Parking and Traffic is not the appropriate agency to carry out this recommendation.

Joe Speaks Muni Special Projects Municipal Railway July 3, 2002

Bus zone sizes do vary considerably throughout the city. However, every bus zone is already minimally sized based on three factors: the type of bus, the number of buses that use the stop simultaneously, and the space required for buses to pull out of and into traffic. Hence, there is no plan to assess or inventory the size of bus zones.

Recommendation 3: Increase Bulb and Bar Stops

Where possible, and in consultation with the Mayor's Office on Disability, increase the number of bulb and bar stops while reducing the size and number of painted bus zones.

Responses

Board of Supervisors

The Civil Grand Jury required a response from the board of supervisors. As of July 2002, the board has not submitted a specific response to the recommendation. The clerk of the board of supervisors has, however, submitted the general responses shown on pages seven and eight of this report.

Michael T. Burns General Manager Municipal Railway March 1, 2001

Muni intends to increase the use of bulb stops. This is best handled at the time of street and sidewalk repairs. You will find bulb stops in recently repaved and reconfigured areas such as Mission Street, and by 2003, throughout the Ocean Avenue corridor. Be aware that while bus bulbs allow for a few extra parking spaces, critics note that they slow private traffic throughput because the bus remains in the traffic lane. Muni reminds critics and planners that the benefit to transit is a quicker stop because the bus does not have to wait to pull back into traffic. However, where overall congestion slows transit, the benefits must be carefully weighed.

Bar stops are widely used throughout the City where appropriate. Unfortunately, they create certain hazards and congestion problems in higher traffic areas. And in many cases they are unfriendly to disabled transit riders. We will continue to use bar stops where appropriate, but widespread expansion would not be appropriate, considering the needs of our diverse rider population.

Joe Speaks Muni Special Projects Municipal Railway July 3, 2002

These types of stops are effective in some locations, but not appropriate replacements to most regular bus zones. Bar stops are adequate as currently implemented in residential and low traffic areas. However, a general expansion of bar stops would impact transit effectiveness and safety.

Muni is expanding the use of bulb stops to improve transit service by eliminating the need to pull out of and into traffic. However, bulb stops are only appropriate on routes where it is deemed acceptable to block the right lane of traffic while loading and unloading passengers. Note that parking supply is not a significant consideration when deciding on the appropriateness of a bulb stop. Below is a list of recently added bus bulbs.

2001

Potrero northbound at General Hospital Mission at 22nd, both directions Mission at 23rd, both directions Otis north of Duboce (outbound Mission Street lines) Geary at Stockton (outbound 38/38L)

2000

Third between Townsend & Brannan (across from ballpark)

1999

Mission southbound at Valencia Mission northbound at Fair Mission at Precita (both dir) Mission at 30th (both dir) Mission at 29th (both dir) Mission southbound at Cortland

Recommendation 4: Evaluate the Use of Bus Zones for Car Parking

Evaluate the use of bus zones for car parking at the times when bus service has ceased (e.g. night and weekends), such as the #2 Clement and #53 Southern Heights bus routes.

Responses

Board of Supervisors

The Civil Grand Jury required a response from the board of supervisors. As of July 2002, the board has not submitted a specific response to the recommendation. The clerk of the board of supervisors has, however, submitted the general responses shown on pages seven and eight of this report.

Michael T. Burns General Manager Municipal Railway March 1, 2001

Neighbors often ask us to consider allowing cars to park in bus zones (as was common several years ago) in order to support their overnight residential parking needs. Muni feels very strongly that this would be difficult and costly for transit. Much of the problem centers on the amount of increased enforcement that would need to be in place to ensure that cars would be vacated as soon as the bus stop would be needed. The associated hard costs of education and enforcement around such a program are difficult to justify in a climate of limited transit resources, given

the minimal benefits to private auto owners. Also, in many cases, the bus stops are needed for Owl Service, or the bus stops are needed for lines that begin in the very early morning hours.

Roughly seven years ago, Muni bus stops were widely perceived as a reasonable place to park -the fine was cheap and the practice was common. To change that perception, motivated neighbors joined with Senior Action Network and Rescue Muni to draw attention to this anti-transit behavior.

Considerable outreach and a dramatic increase in the fine structure changed the public's perception about the importance of bus stops and the priority of street space for transit. Open bus zones promote a City culture that perceives dedicated transit space as a valued community asset and a transit-first priority. Muni continues to strive to reinforce that view.

Lastly, we believe that there are strong arguments emerging which suggest that increasing the supply of sub-market-rate parking may actually increase the number of cars and car usage in the City. And with these parking spaces in particular, they would be night-use only, requiring these cars owners to move their cars each morning and drive somewhere. We need to increase the supply of long-term parking that discourages car use.

Fred M. Hamdun Executive Director Department of Parking and Traffic August 16, 2001

The Department of Parking and Traffic agrees with this recommendation and currently is in the process of carrying out policies and programs that are consistent with this recommendation.

We have modified several commercial loading zones throughout the City to become part-time loading zones. The effective hours of the loading zones are shortened and typically end midday after which the parking spaces allow general metered parking. These modifications are made in collaboration with the business communities and residents which may be affected by any changes.

The most recent example of this took place in Chinatown. All of the metered loading zones on both sides of the 900, 1000, 1100, and 1200 blocks of Stockton Street were approved at a public hearing to allow general metered parking after 2:00 p.m. This was a multi-departmental effort involving not only DPT but also DPW and Muni. All worked with the community and business leaders to achieve this consensus with the Chinatown Economic Development Group.

It should be noted that this modification is being done on a trial basis, as the lack of yellow zones after 2:00 p.m. may be detrimental to Muni service along this

corridor. Deliveries may be forced to double park after 2:00 p.m. since there will not be any loading zones available. Even one double-parked truck on Stockton Street can bring Muni service to a standstill along this route. This modification relies on businesses coordinating their deliveries to occur in the earlier part of the day and will be monitored for compliance. If the businesses cannot effectively limit deliveries to occur within the reduced hours of the loading zones, the original hours may need to be re-established.

Joe Speaks Muni Special Projects Municipal Railway July 3, 2002

Muni believes that this would be a costly return to past practices which had a significantly negative impact on transit. (See full report.) No further action is intended.

Finding: Yellow and White Zones Are Being Used Improperly

Yellow and white zones are not being used properly. Many times delivery vehicles do not pull into open yellow zones and double-park while they unload, blocking traffic lanes.

Response to Finding

Michael T. Burns General Manager Municipal Railway March 1, 2001

While we have not been formally asked to respond to this finding, it should be noted that double parking severely interferes with Muni service. It makes it difficult for buses to maneuver, blocks rail and electric vehicles, and slows traffic in general. However, Muni wants to recognize that delivery of goods by commercial vehicle is a vital part of local retail business in San Francisco. By helping our neighborhood markets and local stores stay stocked and competitive, we encourage local neighborhood shopping, discourage cross-town driving, and reduce congestion. We must encourage useful and convenient space to supply local stores daily. To restrict delivery times burdens local shops, drives prices up, makes local shops less competitive, and encourages driving to larger discount chains.

In fact, the vehicle code recognizes this essential reality by allowing double parking of commercial vehicles while loading and unloading. Faced with these facts of urban life, San Francisco must decide how it wants to allocate its limited road space between transit, traffic, delivery, and private parking.

We believe that every street is unique and must be considered individually. But in general we need to prioritize transit and traffic flow first; encourage more yellow commercial loading zones to accommodate delivery and reduce the need for vital and legal double parking; cautiously support some green zones without encouraging additional car trips; and lastly use the remaining space effectively for parking of patrons and residents.

We applaud your call for better enforcement of yellow zones and would encourage the expansion of yellow zones wherever regular and convenient deliveries help keep costs down for consumers. We also believe there are a limited number of key transit and traffic routes where double parking could be time-restricted to ensure good traffic flow at peak times once adequate yellow zones have been expanded and enforced.

Recommendation 5: Evaluate Changing Usage of Yellow and White Zones

Evaluate neighborhood commercial areas to determine which ones can be changed to early morning deliveries only (e.g. 6 a.m. to 12 noon) creating metered car parking from noon on.

Response

Michael T. Burns General Manager Municipal Railway March 1, 2001

Muni applauds your desire to address the parking shortage. The parking shortage is inextricably linked to our greater congestion problems which continue to be the focus of Muni and the newly created MTA.

Your recommendations seek to increase the supply of parking- the method by which the City has historically addressed this shortage. We would like to draw your attention to the work currently underway by consultants Nelson-Nygard on behalf of the San Francisco Planning Department. Their work focuses on the demand side of the parking economy, rather than supply.

Nelson-Nygard is specifically studying the elasticity of parking demand as a reaction to increased parking supply, and alternative price points. Their early work suggests that increases in the supply of free parking may actually increase demand and lead to greater parking shortages in the future.

The research in progress notes that increased parking supply has consistently brought more cars and more car trips, leading to more trip miles and greater congestion. Congestion greatly affects Muni's ability to deliver service. To combat this cycle, Nelson-Nygard is working on models where different pricing structures

could reduce parking demand as a way to eliminate the shortage. This is a potentially more promising approach toward creating a healthy parking market and reducing congestion.

Muni is very interested in further work in parking economics and will follow it: closely as presented by the Planning Department.

Recommendation 6: Enforce Violations by Double-Parked Commercial Vehicles

Concentrate enforcement effort on double-parked commercial vehicles.

Response

Fred M. Hamdun
Executive Director
Department of Parking and Traffic
August 16, 2001

DPT agrees with this recommendation and currently has policies and practices in place consistent with this objective. DPT has created, through legislation approved by the Board of Supervisors, areas where double parking during commute hours results in a \$100 fine (the fine is \$50 at all other times). These special zones are primarily located in neighborhood/commercial areas along transit lines where double parking creates a serious impact on Muni service. This program is consistent with the City's Transit First Policy objectives. This legislation is set to expire in October. Prior to this expiration, DPT will present a report to the Board of Supervisors that evaluates the existing program and allows for Members of the Board to evaluate this program and make recommendations on establishing this as permanent City policy.

Targeted enforcement, however, is only one component of DPT's effort to address the problem of double-parked commercial vehicles. Oftentimes commercial vehicles double park when legal curb space is not available. The Department is approaching this problem through a comprehensive evaluation of commercial zones, specifically the length and location of these zones. In addition, DPT has targeted enforcement efforts through a "yellow zone detail" in order to remove illegally parked cars and free up these spaces for commercial vehicles.

Finding: Neighborhood Angled Parking Should Be Considered

In many neighborhoods, angled parking can be accommodated.

Recommendation 7: Expand Angled Street Parking

Expand and complete angled parking on streets where appropriate. For example, the Noe Valley/24th Street Project was partially completed; the angled parking element remains incomplete.

Response

Fred M. Hamdun Executive Director Department of Parking and Traffic August 16, 2001

DPT agrees with this recommendation generally and has policies and practices already in place consistent with the recommendation. DPT's Engineering Division has successfully identified, recommended and established angled parking in areas throughout the City. In many cases, however, such as the Noe Valley/24th Street Project, DPT encounters significant opposition in the community and potentially serious impacts to Muni Service while evaluating such proposals. Any parking changes are subject to public hearing, Parking and Traffic Commission approval and Board of Supervisors approval, therefore, if DPT is not able to reach a consensus within the community or if there will be a significant impact on Muni service, DPT will not recommend such changes go forward.

In October 2000, DPT considered a proposal to install 45-degree angled parking on a two-block portion of the North side of Castro Street between Jersey and Clipper Streets, which is located on the 24 bus route. This line operates with overhead trolley wires. If angled parking was established, the area in which a trolley car would have to maneuver would be reduced and a single double-parked car would stall Muni's service until the vehicle was moved. In response to this, a number of merchants on this block requested that Muni relocate their overhead wires in order to accommodate the angled parking, however, buses would then be limited in their ability to provide sufficient access-for the disabled and was not recommended.

An on-site meeting was held in October of 2000 regarding this request, which was attended by the area's business leaders, Supervisor Mark Leno, Muni, and DPT. During this meeting, a Muni bus demonstrated what would happen if they were forced to negotiate around angled parked cars and a double-parked vehicle. The result was a detachment of the overhead wires. This served to further underscore the negative impact this proposal would have on Muni service. All in attendance agreed that the proposal was not feasible. In addition to the operational problems with this proposal, there was also a significant level of opposition from the

residents on the 1400 block of Castro Street who objected to the perceived increase of traffic and noise associated with an increase in parking spaces on their block.

Finding: Merchant Associations Are Not Successful in Obtaining Parking Needs

Merchants associations have tried to work with DPT and the City to increase parking in their areas. However, not all these attempts have been successful. For example, there was tremendous effort on the part of the Noe Valley Merchants Association to get angled parking approved. However, after all this, the merchants association was told that angled parking could not be done.

Recommendation 8: Establish a Program to Meet With Neighborhood Merchant Associations

Establish a proactive ongoing program to meet with neighborhood merchants associations and residential groups to discuss parking and traffic concerns specific to individual areas. DPT should coordinate open forums to discuss solutions to commercial and residential parking problems.

Response

Fred M. Hamdun Executive Director Department of Parking and Traffic August 16, 2001

DPT agrees with this recommendation and currently has policies and practices in place that meet the goals and objectives of this recommendation. We currently meet regularly with various neighborhood groups throughout the City to discuss parking and traffic concerns specific to individual areas. Areas with regularly scheduled meetings with DPT include Telegraph Hill Dwellers Association, Russian Hill area, and Bernal Heights. Many other areas invite DPT representatives to their meetings on an as-needed basis and the Department places a high priority on ensuring staff is available to attend and contribute to these meetings.

Finding: Perpendicular Motorcycle Parking Would Make More Parking Space Available

In residential areas motorcycles sometimes park parallel to curbs, when, if parked perpendicular to curbs, more parking space would be made available.

Recommendation 9: Develop Regulations to Allow Motorcycle Perpendicular Parking

Where not already in place, develop regulations for consideration by the Board of Supervisors that motorcycles park perpendicular to the curb and make it illegal for motorcycles to parallel park.

Response

Fred M. Hamdun Executive Director Department of Parking and Traffic August 16, 2001

DPT does not agree with this recommendation for practical reasons and therefore, it will not be implemented. Parking a motorcycle perpendicular to a curb subjects it to potentially greater property damage by vehicles maneuvering into and out of driveways and parking spaces. This is a major complaint of motorcycle owners. Forcing a motorcycle to park perpendicular, rather than parallel to a curb also does not generate a significant amount of extra space. A typical motorcycle is approximately seven feet long and requires approximately three and a half feet to perpendicular park. This type of restriction would therefore only save about three and a half feet. Since an average automobile is about fifteen feet long the benefit of such a restriction would be marginal.

In those areas with high motorcycle parking demand, DPT installs Motorcycle Only parking spaces which are specially designed to accommodate motorcycles. We have found a typical parking space can accommodate about five motorcycle spaces. Such a change requires consensus within the community and quite often, adjacent property owners are not likely to be receptive to the installation of maintains its commitment to work with all parties with an interest in these issues in order to increase parking opportunities such as this throughout the City.

Finding: Partial Driveway Parking Can Alleviate Neighborhood Parking Problems

Neighborhood parking could be alleviated to some extent by allowing partial driveway parking that does not interfere with pedestrian traffic. However, Section 22500(f) of the California Vehicle Code currently does not permit this option.

Recommendation 10: Explore Recommendation to Amend California Vehicle Code

Consider the Parking and Traffic Commission recommendation that the Board in turn recommend to the California State Legislature an amendment to the California Vehicle Code to allow local jurisdictions to set standards to allow parking in driveway areas, but which also considers the ADA and any health or safety risks.

Response

Board of Supervisors

The Civil Grand Jury required a response from the board of supervisors. As of July 2002, the board has not submitted a specific response to the recommendation. The clerk of the board of supervisors has, however, submitted the general responses shown on pages seven and eight of this report.

CHAPTER 9 NONPROFIT CONTRACTING

BACKGROUND

The Civil Grand Jury (CGJ) reviewed contracting procedures at the Department of Public Health, the Department of Human Services, and the Mayor's Office of Community Development. The City and County of San Francisco appears to be efficient and effective in administering contracts awarded to nonprofit organizations to provide health and human services to its residents. However, the systems in place are too decentralized and place administrative burdens on nonprofit organizations.

RESULTS

The Civil Grand Jury made five recommendations and required responses from the following:

Controller Department of Administrative Services Purchasing Department

Finding: Contract Information Is Difficult to Locate

Nonprofit organizations are required to file financial disclosures. A centralized system for recording financial disclosures has been established within the Department of Administrative Services. However, a nonprofit organization may be required to submit multiple copies of the same information (for instance, tax and insurance information) for each contract that they apply for or that they are awarded. Currently, other than for financial disclosures, it is very difficult to locate this public information regarding an agency's contracts because the information is decentralized.

Recommendation 1: Establish Annual Certification Process and Central Recordkeeping Location

To improve the system for awarding and administering contracts, the CGJ recommends that the City establish an annual certification process that enables a nonprofit organization to contract with the City. The CGJ further recommends that this certification should enable a nonprofit organization to have to submit required financial, insurance and legal forms once per year, and that a central location be established for commonly required documentation that can be shared by all City departments.

Responses

Ryan L. Brooks Director Department of Administrative Services September 21, 2001

The Department of Administrative Services agrees with the finding. Effective December 5, 2000, Ordinance 313-00 named the Department of Administrative Services as the filing office for annual economic statements for City-funded organizations (Admin. Code Sec. 10.1). While the Department was named, it is unclear whether it is logical or practical to have the economic statements filed with the Department. The logical Department that could be the filing office, is the new Office of Contract Administration.

Currently, the Department of Administrative Services does not have a master list of City- funded organizations. The Department must rely on contracting departments to notify City-funded nonprofit organizations to submit their annual economic statements. The results have been nonprofit organizations submitting duplicate annual economic statements because they have been contacted by more than one City Department that they receive funding from. Presently, there are approximately 480 annual economic statements on file. Only one member of the public has requested copies from the files.

The Department of Administrative Services has no interest in the annual economic statements other than compliance with Administrative Code Section 10.1. The recommendation requires further analysis. The working group can determine the best use and most logical filing office for the annual economic statements.

Judith A. Blackwell Director Office of Contract Administration September 27, 2001

The Nonprofit Working Group is gathering samples of the routine documents that the City requires nonprofits to file periodically. We plan to create vendor records on the City's Intranet Forms Center and to post each vendor's documents in that vendor's record. Having these records in place and up-to-date should constitute the recommended certification process.

Damon Scott Project Manager Department of Administrative Services June 14, 2002

In response to our request for the status of the implementation of the recommendations of the Civil Grand Jury, the department re-submitted its original responses dated September 21, 2001.

Finding: Standard Forms Would Ease Administrative Burden on Nonprofit Organizations

Using standard procedures, contracts, and electronic filing, at least for funds drawn from the City General Fund, would greatly help to ease the administrative burdens of organizations. Some federal programs have differing report format requirements, which would make standardization more difficult for funds from these sources.

Recommendation 2: Standardize Forms for Nonprofit Organizations

The CGJ recommends that standard formats and reporting forms be used for all invoices, contracts, requests for proposals, budgets, and other similar documents, particularly for funds drawn from the City General Fund. Additionally, the CGJ recommends that nonprofit organizations be able to file reports electronically.

Responses

Ryan L. Brooks Director Department of Administrative Services September 21, 2001

The Department of Administrative Services agrees in part with this finding as it pertains to other documents-annual economic statements. There should be a standardized report format requesting specific information on the annual economic statements. Administrative Code Section 10.1 has very general language regarding annual economic statement requirements. The working group could more specifically define the annual economic statement requirements.

The recommendation requires further analysis. Analysis needs to be conducted on how and for what purpose annual economic statements will be used and who will be reviewing annual economic statements. For the Department's purposes, a new standardized form for annual economic statements would be beneficial. In the past filing period, it was the first filing for the majority of nonprofit organizations, even though the requirement has been in effect for years, and the Department received over 200 phone calls from nonprofit organizations requesting clarification on the requirements of the annual economic statement form.

Currently, City-funded nonprofit organizations are submitting their financial statements and approved budgets. Many of these documents are quite voluminous. It may not be feasible to have organizations submit their annual economic statements electronically.

Edward Harrington Controller Office of the Controller July 31, 2001

The Controller is working with the Office of Contract Administration to reconvene the non-profit working group. The next meeting is scheduled for early September. At the top of the agenda will be items in the grand jury report such as standardizing forms and invoices, etc. We also have a goal of electronic filing, but that would take some time to implement Citywide.

Judith A. Blackwell Director Office of Contract Administration September 27, 2001

The Nonprofit Working Group is gathering samples of all reporting forms, invoices, and other documents the City has created and asks nonprofits to complete and submit. With these documents in hand, the group will work toward standardization and simplification (which can include electronic filing) wherever possible.

Edward Harrington Controller Office of the Controller July 12, 2002

The City Contracting Task Force, which has been meeting since April 2002, has a Standardized Forms subcommittee that is working on ways to standardize all contracting forms, including budget and invoice forms, across City departments. The subcommittee will be making recommendations to the Task Force for its final report to be issued later this summer. In addition, the Task Force is gathering information on current efforts to automate the contracting process so nonprofit organizations can electronically file their contract forms one time and in a single place. The Task Force has heard presentations from the Department of Public Health and the Office of Contract Administration on the development and implementation of their web-based, online systems for filing forms. Electronic form filing will reduce paperwork and duplication of effort and will ease the overall administrative burden nonprofit organizations have in meeting their contracting requirements.

Finding: Nonprofit Organizations May Have to Wait for Reimbursements of Expenditures

Currently, a nonprofit organization may have to wait an extended period of time to be reimbursed for expenditures. Forcing an organization to wait extended periods of time has the potential to jeopardize the financial stability of smaller organizations. The Controller's Office should establish performance standards for timely payment of invoices submitted by nonprofit organizations.

Recommendation 3: Reimburse Nonprofit Organizations Within 30 Days of Submitting Accurate Invoices

The CGJ recommends that nonprofit organizations receive their funding within 30 days from submitting accurate invoices.

Responses

Edward Harrington Controller Office of the Controller July 31, 2001

The Controller's Office is working with Supervisor Leno who also has prompt payment thoughts related to small businesses doing business with the City. We will do a study this fall of payment problems in the City. Based on that study, we will recommend solutions to the Board and departments for further action.

Edward Harrington Controller Office of the Controller July 12, 2002

The Controller's Office processes payments for invoices from nonprofit organizations within three to five days of their receipt from City departments. To the extent that delays occur at the department level after contractors have submitted their invoices, the Controller's Office is working with the City Contracting Task Force to identify ways of bringing more efficiencies to the entire contracting process, including invoice processing.

Finding: No Centralized System for Keeping Track of Contracts Awarded to Nonprofit Organizations

Each department interviewed has procedures in place for awarding, monitoring and administering contracts. The procedures vary widely from each department, and an organization may have contracts with several departments. Information regarding organizations and contracts is not effectively shared between departments. Having a centralized system would allow greater access to information and greater public accountability. A master list should be developed that categorizes contract information by organization, so one could easily determine the number, type and total contract amount awarded to each nonprofit organization by all departments.

Recommendation 4: Develop a Master List of Contracts Awarded to Nonprofit Organizations

The CGJ recommends that the Department of Administrative Services develop a master list identifying each contract that is awarded to nonprofit organizations. The CGJ further recommends that the list be updated in real-time, but no later than quarterly.

Responses

Ryan L. Brooks Director Department of Administrative Services September 21, 2001

The Department of Administrative Services disagrees with this recommendation. The Department of Administrative Services does not have nor control information regarding the awarding of contracts to non-profit organizations. This information may be more readily available to another central City Department that can update the list in real-time.

Judith A. Blackwell Director Office of Contract Administration September 27, 2001

The Nonprofit Working Group will investigate developing such a list. We may find that updating the list upon request is the most practical approach, and that it is more practical for the Office of Contract Administration, rather than Administrative Services, to maintain the list.

Finding: The Contract Administration Working Group Has Not Met Recently

In 1998, a working group of contract administrators had been convened to review possible actions to improve contract administration for nonprofit organizations. The working group has not met for at least one year, and several of the working group recommendations have yet to be reviewed for implementation. The working group should be re-established to review contracting procedures for awarding and administering contracts with nonprofit organizations.

Recommendation 5: Re-establish the Working Group

The CGJ recommends that the City re-establish and maintain the working group established to review contracting procedures for awarding and administering contracts with nonprofit organizations.

Responses

Edward Harrington Controller Office of the Controller July 31, 2001

The Controller is working with the Office of Contract Administration to reconvene the non-profit working group. The next meeting is scheduled for early September. At the top of the agenda will be items in the grand jury report such as standardizing forms and invoices, etc. We also have a goal of electronic filing, but that would take some time to implement Citywide.

Ryan L. Brooks Director Department of Administrative Services September 21, 2001

The Department of Administrative Services agrees with this recommendation. The Department will participate in the meeting tentatively scheduled for September.

Judith A. Blackwell
Director
Office of Contract Administration
September 27, 2001

The Nonprofit Working Group has reconvened and will be chaired by the Office of Contract Administration. The group will be the focal point for investigating and implementing all of the Grand Jury's recommendations.

Edward Harrington Controller Office of the Controller July 12, 2002

The non-profit contracts working group met in September and November 2001. However, the working group did not reconvene after the November meeting due to the creation of the City Contracting Task Force by legislation adopted by the Board of Supervisors in October 2001. The Task Force, which started meeting in the spring of 2002, has been holding biweekly meetings to discuss a wide range of

issues related to contracting with non-profit organizations. The Task Force's four subcommittees, also meeting biweekly, are discussing in detail ways in which the contracting process can be streamlined and simplified. The Task Force will produce a report with recommendations to the Board of Supervisors later this summer and continue to work to implement those changes until December 2002 when its charge ends.

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CHAPTER 10 POLICE DEPARTMENT RIDE-ALONGS

BACKGROUND

Individual members of the Civil Grand Jury (CGJ) accompanied San Francisco Police Department (SFPD) patrol officers in a series of "ride-alongs" in most of the districts in the City and the SFPD Marine Unit. We also inspected the Special Operations Unit Headquarters at Hunters Point and the Police Academy.

Despite the wide variety of situations the officers were required to resolve in the course of their duties, we observed that they demonstrated a high level of professionalism. Responding to incidents as varied as the report of a lost dog, a call to administer aid to an inebriated homeless man, a "shoot-out" with an armed assailant, and preemptive crowd control measures following the 2 a.m. closure of nightclubs, the civilians involved were treated with respect and compassion. We also observed that the patrol officers were well informed as to problematic areas and individuals, and were proactive in terms of crime prevention within such locations.

In a majority of the tours the officers were called upon to interact with both homeless individuals as well as groups residing in loose encampments. We noted that in each instance the officers took deliberate steps to ensure these citizens were treated with respect and dignity.

RESULTS

The Civil Grand Jury made three recommendations and required responses from the following:

Assessor Board of Supervisors San Francisco Police Department

Finding: San Francisco Is Not Receiving Tax Money From Unregistered Boats

Once per year, harbormasters send a roster to the Assessor's Office that lists all slip tenants. The roster includes the name of the tenant, who usually is the boat owner, and typically includes the vessel registration number. The Assessor's Office then checks the roster. Any new boat is sent a blank vessel property statement to fill out and return. Part of the statement includes the purchase date and price, which the Assessor's Office uses to assess an unsecured personal property tax. Some boat owners have refused to fill out the vessel property statement, and the Assessor's Office has no method by which to compel the owner to do so. There are no firm statistics on how many boats are not paying the required tax. Several years ago, the Marine Unit did a one-time check to persuade boat owners to register and pay the required tax. The check reportedly produced good results; however, no documentation was available to indicate the increase of the number of boat owners registered or the amount of additional tax generated.

Recommendation 1: The Assessor's Office and the Police Department Should Reach an Agreement to Ensure Boats Are Registered

The CGJ recommends that the Assessor's Office and SFPD reach an agreement on the best method to ensure that boats are registered and the appropriate tax paid. We further recommend that the Board of Supervisors request documentation of the solution adopted.

Responses

Board of Supervisors

The Civil Grand Jury required a response from the board of supervisors. As of July 2002, the board has not submitted a specific response to the recommendation. The clerk of the board of supervisors has, however, submitted the general responses shown on pages seven and eight of this report.

Fred H. Lau Chief of Police Police Department September 20, 2001

The Marine Unit has prepared a "Marina Facilities and Vessel Inspection Plan" (Exhibit A). This plan includes an education and advisory component, as well as an enforcement (citation under relevant statutory authority) section. Also, incorporated is a notification component (i.e., citation copies to the City Tax Collector). The Marine Unit's enforcement is limited to private vessels. The Coast Guard handles commercial vessels. [The exhibit is not included in this report. Please contact the department to obtain a copy.]

Fred H. Lau Chief of Police Police Department June 12, 2002

The San Francisco Police Department Marine Unit is conducting registration enforcement of all recreational boats berthed at City marinas. When an enforcement action is undertaken, officers also advise the boat owner that he or she is obligated to contact the Tax Assessor's Office and remit berthing taxes as determined by that office

Doris M. Ward Assessor-Recorder Office of the Assessor-Recorder November 16, 2001

The SF Assessor's Office is required to discover and determine the full value of all marine vessels as of January 1st (lien date) each year. The SF Assessor's Office uses various methods to effectively carry out this responsibility.

Review and compare the Harbormaster Listings, DMV Vessel Registration Listing, and the United States Coast Guard Listing of Documented Vessels.

The Harbormaster Listings are tenant rosters provided by the harbors upon request on an annual basis before or around the lien date. A report from the US Coast guard is also available upon request on an annual basis before or around the lien date. The marine auditor has an on-line access with DMV registered boats and vessel records. The vessels moored in the State of California are registered either with the United States Coast Guard or the Department of Motor Vehicles. The information from these sources is compared to our existing marine database and vessels not present in our database are identified. A field book sheet is completed for each identified vessel with all the necessary information and the automated system is then updated to add the vessels to the existing marine database. Vessel property statements are eventually mailed and assessed value is determined.

Actual fieldwork is performed. The marine auditor visits the harbors to verify the existence of unregistered vessels, or to determine the assessed value for those non-submitting (vessel property statement) vessels. Where unregistered vessels are discovered, an arbitrary vessel number is assigned for purposes limited to identification and to allow assessment of the property even if the owner is not known. The Assessor's office legal authority does not permit and does not extend to require a vessel owner to register his vessel, except in a case where an exemption granted by our office requires certification by the U.S Coast Guard. Where vessels which are assessable in this county, and whose owners failed to respond to written requests after a specified time, a marine auditor visits the harbors and determines the full value of the vessels based on observed characteristics and adds penalties that may apply.

Data referrals from other counties, marine operators, storage facilities and other government agencies are evaluated to identify the proper situs of the vessels found in our county but have a homeport other than San Francisco or from another state or vice-versa. In most instances, questionnaires are mailed to verify the vessel, registered owner and location. After a careful review of the replies, vessels identified with a San Francisco situs as of lien date of the current year are added to the database, sent a vessel property statement and assessed value determined. County taxability is verified for vessels having situs in San Francisco after the lien date. Although the vessel is not assessed by San Francisco for the current year, information is referred to the situs county for assessment. Vessels harbored after the lien date can only be assessed by San Francisco in the following assessment year upon verification that the vessel is still harbored in San Francisco as of the following year's lien date.

Doris M. Ward Assessor-Recorder Office of the Assessor-Recorder June 2002

In response to our request for the status of the implementation of the recommendations of the Civil Grand Jury, the department re-submitted its original responses dated November 16, 2001.

Finding: Boats Are Not Observing Safe Boating Laws in PacBell Park's McCovey Cove

A large number of boats have been known to congregate in McCovey Cove during events at PacBell Park. Not all boats observe safe boating laws at these times, which is cause for concern due to the number of boats in the area.

Recommendation 2: Evaluate the Need for Police Presence in McCovey Cove

The CGJ recommends that SFPD management study the need for a police presence in McCovey Cove during these activities, possibly using 10-B program funds to assure appropriate coverage.

Responses

Fred H. Lau Chief of Police Police Department September 20, 2001

The Marine Unit has prominently posted a copy of the newly approved ordinance prohibiting motorized vessels from coming within 70 feet of the PacBel1 Park promenade. A violation of this ordinance can be prosecuted as either a misdemeanor or an infraction. During ball games, the Marine Unit is now patrolling the McCovey Cove area. The Giants organization is providing some funding for the Marine Unit's presence.

Fred H. Lau Chief of Police Police Department June 12, 2002

The Marine Unit determined that there is a need for an enforcement presence in McCovey Cove during baseball games. There are a number of boats and other craft that congregate in the water during each game. To ensure the safety of the boaters, the San Francisco Police Department established a 5-MPH speed zone in the cove, and a "No Motoring" zone off the north sea wall in the cove. The San Francisco Giants have paid for a limited 10-B water patrol service for certain games. Otherwise, the unit makes frequent passing calls in the cove as it patrols the waterfront.

Finding: Development Along the San Francisco Waterfront May Increase the Staffing Needs of the Marine Unit

There is a recent increase in development along the San Francisco waterfront, with more being planned.

Recommendation 3: Evaluate the Need for Increased Staffing

The CGJ recommends that SFPD evaluate the Marine Unit in light of recent and planned port development to ensure that adequate staffing is provided.

Responses

Fred H. Lau Chief of Police Police Department September 20, 2001

The Department recently issued a bulletin (DB 01-120, attached as Exhibit B) to solicit interest memoranda in the unit. The pool of interested officers generated will be used to replace officers lost during normal turnover and rotation out of the unit. Those best suited for the unit will be selected as vacancies arise and new positions are created. [The exhibit is not included in this report. Please contact the department to obtain a copy.]

Generally, there is greater boating activity on the weekend. To accommodate this increase in demand, and to augment the Marine Unit's enforcement activities, a grant, Department of Boating & Waterways Grant #98-204-169 (attached as Exhibit C) was obtained that is being used to pay overtime to guarantee a weekend Marine Unit presence. A substantial number of weekends will now be covered because of this grant. This grant is being managed by Fiscal's PLES Unit. [The exhibit is not included in this report. Please contact the department to obtain a copy.]

Steve Kawa Deputy Chief of Staff Office of the Mayor September 25, 2001

The Mayor's Office supports the continuous review of public safety staffing.

Fred H. Lau Chief of Police Police Department June 12, 2002

The Police Department continues to assess its staffing needs as Port development continues.

Steve Kawa Deputy Chief of Staff Office of the Mayor July 3, 2002

The Mayor's Office response remains the same and supports review of public safety staffing by the Police Department.

CHAPTER 11 SPECIAL ASSISTANTS

BACKGROUND

The Civil Grand Jury (CGJ) investigated city employment practices under the Special Assistant category. This category of city employees is "exempt" from civil service testing, appointment and tenure requirements. They can be hired and fired at the discretion of management.

There is a growing perception by the public and the media that the Special Assistant category is being used to provide patronage jobs and "payback" positions. This is evident by the number of negative news articles.

There is public perception that elected officials are using some Special Assistants for political campaigning activities. These perceptions erode the confidence of the public in city government and create discontent and resentment among other city employees and the residents of San Francisco.

The number of Special Assistants and their salaries have grown over the last five years from approximately 240 to 634 employees, with total yearly salaries, not including benefits, showing a cost increase from \$15.6 million to \$48.2 million per year.

The CGJ experienced a lack of openness and cooperation from city officials in a portion of this investigation.

RESULTS

The Civil Grand Jury made five recommendations, some consisting of several parts, and required responses from the following:

Board of Supervisors City Attorney Civil Service Commission Department of Human Resources Ethics Commission

Finding: The Number of Special Assistants and the Related Salary Costs Has Grown Rapidly With Very Little Budgetary Oversight

Reports from the City Controller's Office, Budget Analyst and the DHR show the growth of salaries from December 1995 from \$15.6 million to approximately \$48.2 million in April 2001. The number of Special Assistant positions has increased from 240 to 634 in the same time period. The current average salary is approximately \$75,000 per year. Some Special Assistant salaries are in excess of \$100,000.

The CGJ recognizes that recently the Board of Supervisors has begun to address the issue of Special Assistants. The Board of Supervisors should take a more active role in the control of expenditures for Special Assistant categories during their budgetary review process. At the budget review time the Board of Supervisors should place a limit on the total number of Special Assistant jobs and a total budget limit for these jobs.

Recommendation 1: Increase Budget Oversight

- a) For the 2002 budget, the Board of Supervisors place a limit for total Special Assistant salaries. Any budgetary overruns in this category would have to have Board of Supervisors approval on a case-by-case basis.
- b) The Board of Supervisors approve each request for Special Assistant positions with base salaries above \$100,000 per year.

Response

Board of Supervisors

The Civil Grand Jury required a response from the board of supervisors. As of July 2002, the board has not submitted a specific response to the recommendation. The clerk of the board of supervisors has, however, submitted the general responses shown on pages seven and eight of this report.

Finding: There is Poor Public Perception of Special Assistants

Newspaper articles (SF Chronicle, SF Examiner, Independent), public testimony before the Finance Committee of the Board of Supervisors and other testimony and documents received by the CGJ show a public perception that the Special Assistant category is being used to provide "patronage and political pay back" jobs. There has also been public and private testimony that some Special Assistants have been pressured to campaign for elected officials.

Response

Ginny Vida Executive Director Ethics Commission September 13, 2001

The Ethics Commission has no basis to agree or disagree with the CGJ's findings. However, local newspaper articles and testimony before the Finance Committee of the Board of Supervisors have suggested that Special Assistant positions are used for "patronage and political pay back." It has also been suggested that some Special Assistants may have been pressured to campaign for elected officials.

Recommendation 2: Review Policies for Special Assistants

- a) The Ethics Commission review the policies governing political activities by city employees. The Commission should promulgate guidelines and conduct periodic reviews to insure there is neither coercion of employees nor improper political influence in the workplace and make recommendations to Board of Supervisors for consideration and adoption.
- b) The Board of Supervisors commission an independent audit of the Special Assistant hires employed in the last five years. The audit should focus its efforts on the request process (by department heads), the approval system (DHR and Civil Service Commission), hiring process (department heads), qualifications of hired personnel, job function and actual duties performed. The audit could concentrate its efforts on those jobs with salary levels above \$75,000 per year.
- c) The Board of Supervisors also review the charters of similar size cities to evaluate how the hiring and administration of non-civil service employees are handled.

Responses

Board of Supervisors

The Civil Grand Jury required a response from the board of supervisors. As of July 2002, the board has not submitted a specific response to the recommendation. The clerk of the board of supervisors has, however, submitted the general responses shown on pages seven and eight of this report.

Ginny Vida Executive Director Ethics Commission September 13, 2001

The CGJ made the following three recommendations to the Ethics Commission: (1) the Commission should review the policies governing political activities by City employees; (2) the Commission should promulgate guidelines and conduct periodic reviews to insure there is neither coercion of employees nor improper political influence in the workplace; and (3) the Commission should make recommendations to the Board of Supervisors for consideration and adoption.

The Ethics Commission will implement the first recommendation within the next six months and believes that the second and third recommendations require further analysis. Further analysis of the second and third recommendations will occur through implementation of the first recommendation.

The Ethics Commission will implement the first recommendation by directing staff to review current policies and laws related to the political activity of City employees, and by holding a public hearing on the political activities of City employees and improper political influence in the workplace. Based upon testimony received at the public hearing and staffs research, the Ethics Commission will implement the CGJ's second and third recommendations by either promulgating guidelines or making recommendations to the Board of Supervisors, as appropriate.

Finding: Guidelines on Limits on Exempt Positions Are Vague

City Charter Section 10.104 describes the 2% rule. This rule apparently establishes the number of employees exempt from civil service guidelines in relation to the total number of city employees. The language of this statute is ambiguous and is subject to misinterpretation. The DHR, which processes exempt employee Special Assistant positions, and the Civil Service Commission, which approves them, treat the 2% rule as a minimum rather than a maximum. This is evident by statements made by and the actions of DHR management personnel that there is essentially a 2% floor on the hiring of exempt personnel. The Civil Service Commission also interprets this Charter Section in such a manner that they must explicitly approve hires above the 2% cap after review.

Key management personnel in DHR believe that if the requested job positions above the 2% level meet all the requirements of an exempt position then the Civil Service Commission must by Charter automatically approve the position. We found no evidence that the Civil Service Commission ever rejected a request for a Special Assistant position.

The City Attorney provided us with an interpretation of Charter Section 10.104. It was vague and ambiguous.

Recommendation 3: Clarify Limits on Hires of Special Assistants

- a) The Board of Supervisors prepare an amendment to Charter Section 10.104 to clarify it and present this amendment to the voters. The amendment should specifically provide a cap to Special Assistant hires.
- b) The Civil Service Commission modify Civil Service Rule 114.45.1 to require written approval by the Board of Supervisors for each Special Assistant hired above the 2% cap.

Responses

Board of Supervisors

The Civil Grand Jury required a response from the board of supervisors. As of July 2002, the board has not submitted a specific response to the recommendation. The clerk of the board of supervisors has, however, submitted the general responses shown on pages seven and eight of this report.

Kate Favetti Executive Director Civil Service Commission September 21, 2001

The Civil Service Commission response to the Civil Grand Jury findings and recommendations includes background for the record to clarify 1) the purpose of the Special Assistant classification series, 2) the process of determining exempt positions and appointments and 3) the role of the Civil Service Commission in approving exemptions from the civil service system.

1) Special Assistants classification series

The Civil Service Commission, in 1993, created Special Assistant classes to address newly established unique positions, to provide a common framework to classify and compensate employees, and to reduce the overall number of classifications Citywide. The Commission also began employing the Special Assistant series to reduce the use of one person "A" classes.

The series was designed to be used to perform a wide variety of professional policy making duties for the offices of the Mayor, Board of Supervisors, and Chief Administrative Officer. The series was also designed to be used by operating departments to staff special projects or unique functions that were not reflected within the level and scope of existing classes or pending classification of a position. (In fact, many departments have been using the Special Assistant classifications pending the completion of the Management Classification and Compensation Plan.)

Hiring flexibility was considered critical to the creation of new programs and operations, and the broad series, with multiple levels, was expected to meet the diverse and fluid needs of operating departments and to respond to priorities voiced by the San Francisco citizenry. Additionally, use of the series provided the ability to offer benefits for prospective employees—essential for successful recruitment and retention in a competitive labor market.

Special Assistant positions must be justified. Departments submit to the Department of Human Resources, information on the scope and complexity of the duties that are to be performed; organizational impact; skills and abilities required to perform the job; and the duration to the project. Jobs are evaluated to determine the appropriate level and class.

2) Exempt Positions and Appointment -1996 Charter

As you know, in 1996, the voters approved the 1996 Charter, which defined the use of exempt employment. These positions and appointments do not fall under the competitive civil service merit system for examination, selection, appointment and removal. The person serving in an exempt position serves at the pleasure of each appointing or hiring authority. Most Special Assistants have been associated with exempt appointments, but exempt appointments are not limited to Special Assistants.

The Charter provides for nineteen categories of employment excluded from civil service. Twelve of these categories, comprised of a variety of positions including but not limited to deputies of department heads, executive assistants, confidential secretaries, legislative analysts/assistants, are subject to a Charter imposed "cap." The "cap" is the percentage of full-time exempt employees to the total number of employees that existed on July 1, 1994.

3) Civil Service Commission Role in Exempt Appointment Approval

In accordance with the Charter, the Civil Service Commission established the "cap" at 2% and adopted Rules and policies to require requests for exempt positions over the "cap" be approved by the Civil Service Commission. All positions that fall in the twelve categories that are subject to the 2% "cap," whether classified as a special assistant or another class, must be approved by the Civil Service Commission if 2% "cap" has already been reached.

Following the review by the Human Resources Director to determine if the department request meets the Charter definition, the Civil Service Commission calendars each request for an exempt appointment above the 2% "cap" on its Regular calendar. Requesting departments are required to appear before the Civil Service Commission and present a justification for their request. The Civil Service

Commission reviews each request very carefully and only approves the request if it meets the provisions of the Charter.

In addition to approving those exemptions over the "cap," the Civil Service Commission requires the Human Resources Director to report on a regular basis on the use of exempt positions in all other Charter authorized categories. The Civil Service Commission also requires reports on classification matters including reports on Special Assistants.

4) Conclusion

The Civil Service Commission concurs with the Civil Grand Jury recognition of the good work performed by employees in Special Assistant classifications.

The Civil Service Commission does not concur with the recommendation of the Civil Grand Jury Report Fiscal Year 2000-2001 on Special Assistants.

The Civil Service Commission reviews and, only if in compliance with the Charter definitions on exemption from civil service, approves requests for positions over the Charter mandated "cap." The Civil Service Commission, consistent with its merit system oversight responsibilities, will continue to require the Human Resources Director to report regularly to the Civil Service Commission on the use of exempt positions and Special Assistants.

The Civil Grand Jury recommendation that the Civil Service Commission forward approved Special Assistant appointments over the "cap" to the Board of Supervisors for their approval may inadvertently place the Board in the awkward position of violating the non-interference portions in the Charter (Section 2.114). The Board of Supervisors is appropriately reviewing funding issues related to these positions. The Civil Service Commission is confident that the adoption of the long awaited Management Classification and Compensation Plan (MCCP) will address most issues around the use of Special Assistants.

Kate Favetti Executive Officer Civil Service Commission May 20, 2002

The Civil Service Commission did not agree with the Grand Jury. The Civil Grand Jury recommendation that the Civil Service Commission forward approved Special Assistant appointments over the "cap" to the Board of Supervisors for their approval may inadvertently place the Board in the awkward position of violating the non-interference portions in the Charter (Section 2.114). The Board of Supervisors is appropriately reviewing funding issues related to these positions.

The Civil Service Commission is confident that the adoption of the long awaited Management Classification and Compensation Plan (MCCP) will address most issues around the use of Special Assistants.

Finding: The Department of Human Resources Needs to Take Responsibility for Maintaining Performance Evaluations of Exempt Employees

The DHR testifies that it does not have the responsibility to maintain centralized records about employee performance evaluations. It is a recognized good business practice to have centralized records of performance reviews and evaluations of employees. The DHR has not established procedures, files or data documentation systems for the collection and maintenance of these records.

Employee reviews, evaluations and record keeping are left to the discretion of individual department heads without any apparent oversight by DHR. Only limited DHR systems are in place to track job classification and status of exempt employees after initial hiring.

DHR's records show inconsistencies in the level of documentation accompanying requests for Special Assistants. The amount of documentation submitted and accepted as adequate by DHR varies by department.

Written and verbal presentation by the DHR management affirms their belief that Charter Section 10.104 provides a floor of 2% for exempt hires and not a ceiling. By administering the Charter Section in this manner the city will almost always be above that level.

Recommendation 4: Establish Oversight Responsibilities

- The DHR treat Section 10.104, in the City Charter as a limitation to the number of Special Assistants authorized.
- b) The DHR establish oversight and maintain records of written reviews and evaluations for all exempt personnel.
- The DHR maintain personnel files containing all job reclassification documentation.
- d) The DHR review and update its presently used guidelines for exempt personnel to assure that all position requests are equally evaluated.
- e) A written procedure and database needs to be established to track and control the movement of exempt employees from job to job and the duration of an approved position.

Responses

Andrea R. Gourdine Director Department of Human Resources September 7, 2001

a. The DHR treat Section 10.104, in the City Charter as a limitation to the number of Special Assistants authorized.

The Department of Human Resources disagrees with the finding. The recommendation will not be implemented because it is not reasonable. The Department of Human Resources (DHR) follows the policy direction received from the Civil Service Commission through its rules. The rules intent was memorialized in November 18, 1996 correspondence to the Board of Supervisors. Specifically, "This Rule change was adopted by the Commission to implement the provision of Charter Section 10.104-1 through 10.104-12 which "cap" the number of appointments permitted outside the civil service hiring and removal process and allows appointment over the ceiling (emphasis added). Thus, there was an understanding that the number could not be absolutely held at the 2% cap ratio. This conclusion is reasonable.

By definition the cap was determined based upon counting exempt employees compared to the total workforce. If an exempt position were vacant, it was not included. Inevitably, there would be some level of under reporting. The 1996 Charter expanded the types of available exemptions. It was also recognized that existing permanent employees in positions fitting the Charter exemptions would retire or resign and be replaced by exempt employees. Also, the City must be able to reorganize as circumstances change. Creating new departments could result in existing positions being designated as exempt. The personnel system must provide this type of flexibility to adjust to the unforeseen.

b. The DHR establish oversight and maintain records of written reviews and evaluations for all exempt personnel.

The Department of Human Resources disagrees with this finding. The recommendation will not be implemented because it is not reasonable. The Charter provides that the appointing authority is solely responsible for the hiring and appointment of exempt personnel. Such hiring and appointment is explicitly removed from the civil service system. Therefore, neither the Civil Service Commission (CSC) nor DHR have any authority in this area.

c. The DHR maintain personnel files containing all job reclassification documentation.

The Department of Human Resources disagrees with this finding. The recommendation will not be implemented because it is not warranted. Employee personnel files are maintained in the City Department where the employee is working. This allows Departments ease of access to the files for inputting, amending, or removal of documentation, as appropriate. The appointing authority is the custodian of those records. DHR does maintain classification documentation in its files for newly created or reclassified positions.

d. The DHR review and update its presently used guidelines for exempt personnel to assure that all position requests are equally evaluated.

The Department of Human Resources agrees with this finding. We currently do this; therefore, the recommendation has been implemented. All exempt positions are equally evaluated to ensure the duties are consistent with Charter Section 10.104. The type of information required to conduct the analysis may differ depending upon the nature of the position. As an example, more documentation is required to support a project position (Charter Section 10.104.18). DHR would need a complete description of the duties and responsibilities, knowledges, skills, abilities, reporting relationships, etc. to begin the analysis. Less documentation would be required to make a determination to support a department head position (Charter Section 10.104.5). In addition to the duties and responsibilities, if necessary DHR would confirm that the proposed position meets the legal definition of a department head.

e. A written procedure and database needs to be established to track and control the movement of exempt employees from job to job and the duration of an approved position.

The Department of Human Resources disagrees partially with this finding. DHR has a database that can track the hiring of exempt employees. Therefore, this portion of the recommendation has been implemented. The duration of the appointment depends upon the type of exemption. Department heads, deputies, confidential secretaries, etc. are ongoing exemptions. Charter Section 10.104.12 (consistent with the 1932 Charter) provides for an exemption where "expert professional temporary services are required." The duration set by the Civil Service Commission. Positions authorized exempt under Charter Section 10.104.18 have a 3-year maximum duration. However, as incumbents are expressly exempt from the civil service system, DHR does not have the ability to control who is hired or separated from these positions and therefore will not implement this portion because it is not reasonable.

Andrea A. Gourdine Director Department of Human Resources May 20, 2002

This is in response to your inquiry dated May 14, 2002, concerning our responses to the recommendations of the 2000-2001 Civil Grand Jury Report. Specifically, you are requesting information concerning the implementation of the Grand Jury's recommendations.

I have attached a copy of our responses to the 2000-01 Grand Jury Report. You will note that we disagreed with several findings for the reasons stated and agreed with recommendation (d) because we were already equally evaluating requests to ensure compliance with Charter Section 10.104.

Finding: Results of Civil Grand Jury Interviews With Special Assistants

We interviewed a small number of Special Assistants. One purpose of these interviews was to get the employees' perspectives of job description, performance standards, the work evaluation process and promotion procedures. All witnesses were clear on the scope of their respective jobs and most could articulate general performance goals. Those participating in the pay for performance program were clear in the area of goals.

All witnesses admitted to some campaigning but all stated it was not on public time. Some of the subpoenaed witnesses testified that the mayor's letter had influenced them to decline our informal invitation. One witness stated he did not initially appear in response to our letter because he "didn't feel like it". One witness refused to answer some questions.

All but one of the witnesses stated they had consulted a Deputy City Attorney about our original informal request to appear as a witness. All but one testified that a Deputy City Attorney advised them that it was their option to appear.

It should be noted that all witnesses were sworn and admonished not to discuss the questions presented them in the hearing. This is done to preserve the integrity of CGJ investigations. Later a news article appeared in the San Francisco Chronicle discussing privileged matters from the hearing. The article referenced witnesses as the source of the information.

Recommendation 5: The City Attorney Should Advise City Employees to Cooperate in All Legal Inquiries and Reviews

The City Attorney issue a letter to all city employees advising openness and cooperation in all legal inquiries and reviews of city systems and offices.

Responses

Louise H. Renne City Attorney Office of the City Attorney September 19, 2001

Finding 5 consists of a narrative approximately one page long summarizing the process by which the Grand Jury interviewed witnesses, the testimony by those witnesses, and the apparent disclosure to the press of testimony by witnesses in spite of the Grand Jury's admonishment to witnesses not to disclose the questions asked during the witnesses' testimony.

As a general matter, we do not disagree with the factual assertions in Finding 5, with one exception discussed below. The City Attorney's Office, however, was not present at the Grand Jury's proceedings for this investigation. Accordingly, we lack sufficient information with which to agree or disagree with those portions of Finding 5 that address the scope of the Grand Jury's investigation, the nature of the questions asked, the responses by witnesses, and any disclosure of questions or testimony by witnesses to the media.

We agree that many of the witnesses consulted with this office about their legal obligation to appear. We also agree that our office advised these witnesses that, in the absence of a subpoena, the witnesses were not required to appear before the Grand Jury. To the extent that Finding 5 can be read to suggest that our office advised witnesses under subpoena that they were not required to appear, or that they should not otherwise cooperate with the investigation, that suggestion is absolutely incorrect.

The Grand Jury's Recommendation following Finding 5 calls for the City Attorney to "issue a letter to all city employees advising openness and cooperation in all legal inquiries and reviews of city systems and offices." While I agree that as a general matter City employees should be open and cooperative in response to official investigations, for the reasons set for below, I decline to follow the Grand Jury's recommendation.

This office already consistently counsels City departments and officials to cooperate with official inquiries and investigations, including those conducted by the Grand Jury. Generally, persons who are likely to be the subject of such inquiries, including department heads and senior officials, are well-aware of this policy. These officials also know to contact this office if they have questions about how to respond. In this regard, however, it is important for the Grand Jury to understand that the current state of the law does not require a City official to appear before the Grand Jury in the absence of a subpoena. Accordingly, advising an official that he or she must appear before the Grand Jury in the absence of a subpoena would not be an accurate description of the law.

The appropriate response to an investigation often varies depending on the nature and scope of the investigation. I believe that these questions are best handled on a case-by-case basis when such issues arise, rather than by an open, general letter to all City employees that has no particular context and may be misunderstood.

Dennis J. Herrera City Attorney Office of the City Attorney June 14, 2002

I write in response to the request from your office concerning the implementation of recommendations to the City Attorney made by the 2000-2001 Civil Grand Jury ("the Grand Jury"). The Grand Jury requested a response from the City Attorney to the Grand Jury's report on Special Assistants. Specifically, the Grand Jury recommended that the City Attorney "issue a letter to all city employees advising openness and cooperation in all legal inquiries and reviews of city systems and offices."

In her September 19, 2001 response to the Grand Jury's report, then-City Attorney Louise H. Renne declined to follow the Grand Jury's recommendation. I agree with the reasoning set forth in that response. Accordingly, this office has not implemented the Grand Jury's recommendation.

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CHAPTER 12 WATER SYSTEM INFRASTRUCTURE

BACKGROUND

The Civil Grand Jury (CGJ) reviewed the San Francisco Public Utilities Commission (PUC) water delivery system, from Hetch Hetchy through the South Bay and Peninsula to the City Distribution Division. All PUC staff we met with were professional, knowledgeable, and dedicated.

Over the course of our investigation, the CGJ noted that, while the system continues to function, there are significant infrastructure issues that require repair and upgrade. These issues include the need for increased infrastructure redundancy (to ensure continued water delivery in the event of significant damage), upgrade to current design standards, and increased attention to deferred maintenance.

The PUC has begun the task of identifying and prioritizing these infrastructure issues. Given the possibility of a significant earthquake, and given the amount of time it will take to resolve infrastructure needs, these plans need to finalized, cost estimates prepared, and a formal proposal presented to all water system users clearly identifying options, recommended actions, and proposed funding mechanisms.

RESULTS

The Civil Grand Jury made six recommendations and required responses from the following:

Board of Supervisors Mayor Public Utilities Commission Recreation and Park Department

Finding: Funding Sources for Repair and Upgrades Are Not Clear

While planning appears to be in place to adequately determine repair and upgrade priorities, it is not yet clear how the City or the PUC intends to fund all necessary work. To repair and/or upgrade all PUC facilities, current cost estimates range as high as \$8 billion. The PUC has begun to put in place the long-range plans for needed repairs. The Phase 1 and 2 studies, along with the 10-Year Capital Improvement Program, identify needed improvements and prioritize them.

Recommendation 1: Develop a Financial Funding Strategy

The CGJ recommends that the PUC develop a financial strategy for funding necessary infrastructure repairs and upgrade.

Responses

Board of Supervisors

The Civil Grand Jury required a response from the board of supervisors. As of July 2002, the board has not submitted a specific response to the recommendation. The clerk of the board of supervisors has, however, submitted the general responses shown on pages seven and eight of this report.

Steven D. Leonard Acting General Manager Public Utilities Commission September 19, 2001

The staff of the PUC has prepared a Long-Term Strategic Plan, Capital Improvement Program and Long-Range Financial Plan, dated August 14, 2001 for submission to the San Francisco Public Utilities Commission and the Mayor's Public Utilities Infrastructure Task Force. A copy of the Staff Report and Recommendations is enclosed for your information and review. The Mayor's Public Utilities Infrastructure Task Force has proposed conducting a series of public meetings to solicit comment on the Strategic Plan, Capital Improvement Program, and Long-Range Financial Plan and is charged with preparing and submitting their recommendations to the Mayor and to the PUC by the middle of November of this year. [The staff report is not included in this report. Please contact the agency to obtain a copy.]

Steve Kawa Deputy Chief of Staff Office of the Mayor September 25, 2001

This recommendation is being implemented. The Public Utilities Commission has developed a Long-Term Strategic Plan, Capital Improvement Program and Long-Range Financial Plan and the Mayor's Office will review the recommendations submitted by the PUC following a series of public meetings.

Steve Kawa Deputy Chief of Staff Office of the Mayor July 3, 2002

The SFPUC adopted a Capital Improvement Plan, Long-Range Strategic Plan, and Long-Range Financial Plan on May 20, 2002. These plans are currently under consideration by the Capital Improvement Advisory Committee and will be considered by the Board of Supervisors later this month.

Patricia E. Martel General Manager Public Utilities Commission July 22, 2002

In February 1998, the SFPUC published a draft long-term Water Enterprise Capital Improvement Plan (CIP). In 2000, after recommendations from a Bartle Wells study and an audit performed by the State of California-Bureau of State Audits, the SFPUC staff began developing an integrated Long-Term Strategic Plan (LTSP), Capital Improvement Program (CIP) and Long-Range Financial Plan (LRFP). In 2000, the SFPUC published a Water Supply Master Plan and a Facilities Reliability Study that identified important water system capital improvements.

The integrated LTSP, CIP and LRFP were submitted to the Commission in February 2001. Extensive public hearings and Commission review took place during the year and a revised draft was submitted to the Commission in January 2002. The draft CIP included projects totaling \$4.6 billion to improve the facilities of the Water Enterprise and the Clean Water Enterprise. The General Manager of the SFPUC met with City and suburban customers at numerous public meetings and summaries of these meetings were given to the Commission.

RW BECK (Beck), an independent engineering firm, reviewed the CIP in three areas: the CIP process, the ability to implement the program and the ability to finance the program. Beck concluded that the CIP and financing strategy were sound and made recommendations regarding the ability to implement the program. In May and June, a Blue Ribbon Panel (Panel) of professionals selected by the

SFPUC General Manager, in consultation with members of the San Francisco Planning and Urban Research Association (SPUR), reviewed the Beck report and made a number of recommendations. The SFPUC agrees with the recommendations from Beck and the Panel, and will implement those recommendations over the next three years.

The Commission subsequently removed the \$996 million requested for funding the improvements to the Clean Water Enterprise's CIP so that the water matters would be considered on their own merits and not be influenced by any sewer issues (Please see later section.). The allocation of water construction projects (only) and costs for City and Regional customers is as follows:

Water Enterprise CIP Projects and Costs (all costs in millions of dollars)

Geographic Area	Number of Projects	Total Cost	City Share	Regional Share
City of SF	40	\$715	\$715	
Regional	37	\$2,913	\$913	\$2,000
Total	77	\$3,628	\$1,628	\$2,000

On May 28, 2002, the Commission adopted the LTSP, CIP and LRFP and also passed a resolution urging that the San Francisco Board of Supervisors authorize a revenue bond election on the November 2002 ballot in order to have a vote by the public on the \$3.6 million in Water Revenue bonds. Copies of the resolutions are attached. [The resolutions are not included in this report. Please contact the agency to obtain copies.]

Subsequent to the Commission actions, the CIP and proposed bond issue have been reviewed by various City staff and elected City officials as part of the annual Capital Budget process and to meet statutory deadlines for placing measures on the November 2002 general election ballot. Actions taken so far include:

- At the June 28, 2002 meeting of the Capital Improvements Advisory
 Committee (CIAC) a number of questions were raised regarding the proposed
 bond issue. Based on the strong possibility of alternative financing becoming
 available, the CIAC recommended to the San Francisco Board of Supervisors
 (Board) that financing be limited to \$1.628 billion (Please see later section on
 possible State legislative action.);
- The Board approved putting the \$1.628 billion revenue bond election on the November 2002 ballot at their regular meeting of July 22, 2002; and,
- At their regular meeting of July 22, 2002, the Board approved a measure for the November 2002 ballot to amend the City Charter that would affect the SFPUC. If approved by the voters, this change to the City Charter would permit the SFPUC to issue revenue bonds for water and sewer improvements with the approval of 2/3 of the members of the Board and without voter approval; and, Proposition "H" would be repealed.

Besides the actions by the City, the State Legislature is considering three bills which would affect the City's CIP. The SFPUC is supporting SB 1870, which would establish a San Francisco Bay Area Regional Water Financing Authority (Authority) and permit the Authority to issue revenue bonds to be used to finance the construction of the "Regional" projects in the City's CIP. This legislation has been approved by the State Senate and is pending in the State Assembly.

The \$996 million to finance the CIP of the Clean Water Enterprise (CWE) was withdrawn from the proposed revenue bond election after a series of public meetings raised a number of issues regarding individual projects and the potential effects on the environment. The SFPUC staff will prepare a separate Comprehensive Master Plan for the CWE that staff estimates will take from eighteen months to two years to complete. In 2004, the SFPUC expects to propose a Clean Water Revenue Bond program to be approved by the voters that would finance the construction of the CWE's CIP.

Proposition H has hurt the credit rating for both enterprises and threatens the solvency of the CWE and its ability to perform operations and system maintenance. In addition, the Commissioners have concluded that Proposition H has hurt the SFPUC's ability to raise funding for the CWE's CIP. The SFPUC is urging the Board to put a 12 percent rate hike for sewage treatment services on the November 2002 ballot. The proposed rate hike would permit the CWE to continue to perform on-going operations and maintenance services. The proposed rate hike would not provide any additional money for capital Improvements nor increase the money for the Repair and Rehabilitation Fund. Until new bonds are approved or the proposed Charter amendment is adopted, the CWE will not have the ability to construct any new projects.

Finding: Phase 2 of the Reliability Study Does Not Appear to Consider the Foothills or Sierra Nevada Faults

Our review of Phase 2 of the Reliability Study brought forth two issues. Regarding PUC infrastructure, it appeared that the Foothills faults had not been considered; these are low-activity faults, with recurrence approximately every 10,000 years. With respect to Sierra dams, the Sierra Nevada frontal fault system was not discussed; this fault would lie to the east of the dams.

Recommendation 2: Review the Phase 2 Study to Verify Faults Have Been Properly Evaluated

The CGJ recommends that the PUC review the Phase 2 Study to verify that these fault systems have been properly evaluated.

Responses

Steven D. Leonard Acting General Manager Public Utilities Commission September 19, 2001

Further progress is being made toward the completion of the System Reliability Study. Phase n of the Reliability Study concentrated on overall system impacts of seismic activity principally in the service area (Bay Area). Phase III individual facility assessments will analyze site seismicity and develop risk profiles for failure including the fault zones identified by the CGJ. Consultant geologists retained by the PUC have nearly completed their analyses of the potential effects of movement along the Foothills faults and the Sierra Nevada frontal fault system on the operation of the Retch Hetchy facilities. Anticipated completion of the Phase ill findings is scheduled for March 2002. Copies of the findings and final report will be provided to the Civil Grand Jury for your information and review.

Patricia E. Martel General Manager Public Utilities Commission July 22, 2002

Further progress is being made to complete the reliability study. Phase II focused on overall system impacts from seismic activity in the Bay Area. Phase III is an assessment of the potential effects of seismic activity on specific facilities that are located on or near earthquake fault zones. The Phase III study will be completed in the Fall of 2002. The SFPUC is implementing the recommendations in the study by making sure that construction plans for facilities meet the seismic objectives cited in the study.

Finding: Reservoir Dam Face Inundation Maps Are Not Readily Available and Are Very Likely Out-Of-Date

In October 1998, the Federal Emergency Management Agency issued the "Federal Guidelines for Dam Safety." The Guidelines were published to encourage thorough and consistent emergency action planning. The Guidelines recommended the formulation of an Emergency Action Plan (EAP) for each dam. In view of the ages of several of the City's dams, the CGJ proceeded to determine if the 1998 Federal Guidelines were being followed by the PUC.

California Government Code, Section 8589.5 requires that inundation maps be prepared for dams and submitted to the California Office of Emergency Services (OES) and the appropriate public safety agency of the county where the dams are located. Section 8589.5

further requires that the county public safety agency then adopt emergency procedures for the evacuation and control of populated areas below those dams.

Section 8589.5 also requires that a notice be posted at the offices of the county recorder, county assessor, and county planning agency identifying the location of the map, and of any information received by the county regarding changes to the map.

Once these maps are made public, then in accordance with Government Code Section 8589.3 and 8589.4, persons or agents transferring real property within inundation zones are required to notify purchasers that said property is within the zone.

Interviews with CDD staff indicate that inundation maps were prepared for the reservoir dam faces sometime in the 1970s. However, staff did not know the location of the previous analyses or the resulting maps, and were only able to produce the inundation maps as identified on the Association of Bay Area Government (ABAG) website. ABAG had obtained the maps from the California OES. City personnel agree that these maps may be outdated due to subsequent construction activities in the City that might change water flow patterns.

A review of the San Francisco offices of Recorder and Assessor found no posting regarding inundation maps for these four reservoirs. We checked with the Office of Emergency Services and the Department of Building Inspection, who had no copies of inundation maps available to the public.

Recommendation 3: Review, Revise, and Distribute Inundation Maps

The CGJ recommends that reservoir inundation maps be reviewed, revised, and distributed, with other actions taken as necessary in accordance with California Government Code 8589.5.

Responses

Steven D. Leonard Acting General Manager Public Utilities Commission September 19, 2001

Enclosed for your information and review is a copy of Figure 9 "INUNDATION AREAS DUE TO RESERVOIR FAILURE" of the <u>San Francisco Seismic Safety Investigation</u> Report, prepared by URS/John A Blume & Associates, Engineers for The Department of City Planning, City (and County) of San Francisco, dated June 1974. While we concede that this report is nearly thirty years old, the topography and streets throughout the City have not changed appreciably during that period. The PUC staff concurs with the recommendation of the CGJ that this information should be updated. As indicated in the enclosed Capital Improvement Program, steps are being taken to rehabilitate and repair the reservoirs throughout the City to

ensure that they will not fail in case of natural disaster. [The figure is not included in this report. Please contact the agency to obtain a copy.]

Patricia E. Martel General Manager Public Utilities Commission July 22, 2002

The SFPUC furnished to the CGJ a copy of "Figure 9": "INUNDATION AREAS DUE TO RESERVOIR FAILURE" of the San Francisco Seismic Safety Investigation Report (1974) that shows water runoff patterns throughout the City. The study and maps cited by the SFPUC in the September 2001 response are still in use. However, new maps are being drawn and should be completed this Summer. Copies will be sent to the Grand Jury at that time. An assessment of all of the City's water tanks has been completed. Reservoirs and water tanks in the City are being rebuilt as part of the CIP. In the past year, the Forest Hill steel tank was replaced and repair of the College Hill Reservoir was completed. The reservoir will soon be returned to operation. The Le Grande tank replacement is being designed and rehabilitation of the Potrero Heights tank is also part of the CIP.

Finding: The OES Emergency Operations Plan Needs Updating With Respect to Reservoir Inundation Maps

We found no EAPs specific to the reservoir dam faces. A review of the "Emergency Operations Plan" maintained by the Mayor's Office of Emergency Services, Annex A, Page 17, "Reservoir Failure", discusses reservoir failure:

"Reservoir failures can result from a man-made or natural cause such as earthquake, structural flaw or terrorist action. A reservoir failure has the potential to cause loss of life, property damage, and other ensuing hazards, as well as the displacement of persons residing or working in the inundation area. Damage to electric facilities (i.e., substations, transmission lines) and natural gas lines could also impact life support systems in areas outside the immediate hazard area. Although there are ten large in-City reservoirs on the municipal water system, all are constructed of embankments thirty feet or less in height, conservatively designed and built, and concrete lined. Failure of such embankments is considered very unlikely."

The Emergency Operations Plan does not appear to conform to the requirements of state law, in that it does not provide information regarding the dam faces, nor does it acknowledge the inundation maps. It is unclear how the requirements of Section 8589.5 are complied with. Further, the Plan incorrectly states the number of active reservoirs. As noted in the EOP, failure of these dams is considered an unlikely event. Nevertheless, it is a state requirement that they be prepared and made available.

PUC staff stated that there are emergency procedures for draining reservoirs, which rely on gravity feeding to drain. In an emergency situation, reservoirs can be drained in two to three days. Water drained from the reservoirs goes into the water treatment (sewage) system for treatment and discharge.

Recommendation 4: Update the Emergency Operations Plan

The CGJ recommends that Emergency Operations Plan, Annex A, Page 17 be updated with reservoir inundation maps information, once available from the PUC and that other actions be taken as specified in Government Code 8589.5.

Responses

Steven D. Leonard Acting General Manager Public Utilities Commission September 19, 2001

The PUC will provide the required inundation maps to the State Office of Emergency Services and will consult with the State Department of Water Resources and assist in the preparation of the required emergency evacuation procedures in order to bring our in-City facilities into full compliance with the terms of Government Code Section 8589.5. The PUC staff, in consultation with the State Division of Safety of Dams, conducts regular inspections of our reservoirs. The Capital Improvement Program discussed above includes funding for repair of damaged/deteriorated in-City reservoirs. Of the reservoirs discussed in the CGJ Report, repair and seismic upgrade of Sutro Reservoir is already underway. Design of the repairs for University Mound and Lombard Reservoirs is currently in progress.

Lucien G. Canton Director Mayor's Office of Emergency Services October 3, 2001

With regards to the recommendation that the City's Emergency Operations Plan, Annex A, page 17, be updated with reservoir inundation maps and that other actions be taken as specified in Government Code 8589.5, the Mayor's Office of Emergency Services agrees with the finding. MOES has begun an interim revision of the referenced

Emergency Operations Plan page. A final revision that incorporates the updated inundation maps will be prepared once the maps have been reviewed arid revised by the Public Utilities Commission.

Lucien G. Canton Director Mayor's Office of Emergency Services July 5, 2002

The Mayor's Office of Emergency Services is awaiting the updated maps from the San Francisco Public Utilities Commission and designation from the Governor's Office of Emergency Services of those inundation areas that will require specific plans under California Government Code 8589.5. In the interim, MOES has reviewed it's all hazard evacuation plans and conducted an exercise in April to evaluate the effectiveness of those plans. These plans will be incorporated into a major revision of the Emergency Operations Plan currently being developed by MOES.

Patricia E. Martel General Manager Public Utilities Commission July 22, 2002

The SFPUC provided the maps to the State's OES. Copies of the new maps will be sent to the State's OES when they are completed. The SFPUC is working with the State Department of Water Resources (DWR) to assist in the preparation of the required emergency evacuation procedures in order to bring our in-City facilities into full compliance with Government Code §8589.5. Such procedures would be developed with the DWR's Division of Safety of Dams. The SFPUC staff, in consultation with the State Division of Safety of Dams, conducts regular inspections of the SFPUC's reservoirs. As cited in our response to Recommendation No. 3 above, reservoirs and water tanks are being rebuilt per the CIP. Construction of the Lombard Reservoir Replacement Project is to begin within the next several months. The rebuilding and seismic upgrading of Sutro Reservoir has started and design is underway for the University Mound Reservoirs.

Finding: City Water Tanks Are at Risk in the Event of an Earthquake

During the PUC staff presentation, staff were asked if residents near water system tanks had been notified of any potential flooding issue. Until such time as they are repaired, several tanks are at risk of overturn during an earthquake, particularly the Forest Hill, La Grande and Potrero Hill tanks. The tanks do not hold as much water as the reservoirs, but still hold a significant amount of water and have a higher likelihood of failure with subsequent flooding. Staff were not aware of any notification that had been made, or of any state or local law that would require such notification.

Recommendation 5: Notify Residents of Risk

The CGJ recommends that the PUC notify persons living near the affected tanks of the possibility of overturn and subsequent flooding in the event of an earthquake.

Response

Steven D. Leonard Acting General Manager Public Utilities Commission September 19, 2001

While the PUC certainly recognizes that catastrophic failure of its in-City reservoirs and tanks could represent a significant threat to life and property, we believe that in fact the volume of water potentially released would not cause any loss of life or substantial damage to property. Studies have been prepared at the request of the PUC which indicates that failure of any of the in-City reservoirs or tanks would create a release of water of six inches deep or less onto City streets. While some localized flooding and some damage to personal property may occur, it is anticipated that the existing storm drains/sewer system will be able to collect any water released. In addition, as stated above, the proposed Capital Improvement Program will address the seismic upgrade and repair of in-City tanks. Of the tanks (Forest Hill, La Grande and Potrero Hill) mentioned in the CGJ Report, work has been completed on Forest Hill Tank and design of the replacement of La Grande Tank is currently underway.

The Communications Section of the PUC, in consultation with the Mayor's Office of Emergency Services, will investigate the appropriateness of issuance of a notice to property owners and residents down slope from the in-City tanks.

Patricia E. Martel General Manager Public Utilities Commission July 22, 2002

The SFPUC believes that while a failure of an in-City reservoir or water tank could be a significant threat to life and property, such a failure would not result in the loss of life or cause substantial damage to property because of the volume of water that would be released. SFPUC requested studies indicate that such a failure could create a release of water of six inches (or less) in depth onto City streets. While some localized flooding and damage could occur, we anticipate that the existing storm drains/sewer system would be able to collect any water released. The preceding responses address the rebuilding and upgrading of water tanks. The Communications Section of the SFPUC will work with the Mayor's OES to investigate the appropriateness of notifying residents who live down slope from in-City water tanks.

Finding: Recreation on City Reservoir Roofs Is Problematic Due to Problems With Contamination of Water

Three of San Francisco's reservoirs are used by the public for recreational purposes (Lombard, Merced Manor, and Sutro). These reservoirs were completed in 1860, 1936, and 1952, respectively. The roofs were designed to protect the contained water from contamination and exposure; none of these reservoirs were specifically designed for recreational use on their roofs.

Over the years, settlement, failed expansion joints, public vandalism, embankment movement, cracks etc. have caused the watertightness of the roofs to be compromised, permitting pollutants to enter, adversely affecting the water quality. The California Department of Health Services has recommended against recreational use on top of the reservoirs based on water quality concerns.

Recommendation 6: Cease Use of City Reservoirs for Recreational Purposes

The CGJ recommends the immediate cessation of the use of the City reservoirs for recreational purposes due to the potential for contamination and other potential adverse effects. An alternate use for the reservoir roofs would be to install solar panels.

Responses

Board of Supervisors

The Civil Grand Jury required a response from the board of supervisors. As of July 2002, the board has not submitted a specific response to the recommendation. The clerk of the board of supervisors has, however, submitted the general responses shown on pages seven and eight of this report.

Steven D. Leonard Acting General Manager Public Utilities Commission September 19, 2001

While the PUC concurs with the recommendation of the CGJ that maintenance of the highest possible water quality should be the first and foremost goal of operation of the in-City reservoirs, the existing recreational facilities on top of Lombard, Merced Manor, and Sutro reservoirs are very valuable community resources. As the CGJ has indicated in its report, these facilities have been operated by the Recreation and Parks Department for decades and would represent a significant loss of recreational opportunities and facilities to both recreation programs and to the Unified School District (for example, joint community meetings held by the PUC and the Recreation and Parks Department related to the rehabilitation of the Sutro Reservoir and Midtown Terrace Recreation Center revealed significant use of the site by students of the Clarendon Alternative Elementary School directly across the street from the reservoir in addition to use by neighborhood residents).

The agreements in place between the PUC and the Recreation and Parks Department require the Recreation and Parks Department repair and maintain recreational facilities on top of in-City reservoirs. Over the years, questions have been raised as to the condition of those facilities and the Recreation and Parks Department commitment to regular maintenance. The PUC is working with interest groups seeking a mutually beneficial way of facilitating recreation on selected sites while protecting the quality of the drinking water.

Steve Kawa Deputy Chief of Staff Office of the Mayor September 25, 2001

The Mayor's Office does not agree with this recommendation. The public has deemed the use of reservoir roofs as recreation space a valued and desired purpose. There is no evidence that recreational activity on these reservoir roofs threatens San Francisco's water quality.

Elizabeth Goldstein General Manager Recreation and Park Department January 4, 2002

The Recreation and Park Department and Public Utilities Commission (SFPUC) have jointly reviewed the report and recommendations at a meeting held on December 12, 2001. Although both Departments believe that water quality and contamination is a major issue needing to be resolved, we disagree that eliminating recreational activities at the reservoir facilities identified will be necessary. Given

the limited amount of recreational lands in San Francisco there is an overriding public benefit and desire by the public for continued recreational use at these reservoir facilities. We believe that when the planned capital improvements at the facilities have been implemented, and with proper maintenance and operations by both departments, water storage capability and recreational activities can coexist.

The SFPUC is currently working on capital programs at Sutro and Lombard Reservoirs to repair and seal the roof slabs to improve watertightness as well as accomodate existing recreational uses. The SFPUC will shortly be undertaking a similar capital improvement program at Merced Manor. The Department and the SFPUC will also be working on a Memorandum of Understanding (MOU) to address long term care and custody, liability and enforcement concerns at these joint use facilities.

Our agencies have agreed that no more expansion or intensification of existing recreational uses will occur at existing reservoir sites. To ensure that we continue to find recreational opportunities within the City and County of San Francisco to serve the growing need for recreational opportunities, both agencies, have agreed to work together to find parcels of land (non-reservoir sites) under the jurisdiction of the SFPUC. Finding additional sites will expand recreational opportunities within the City and reduce the need to intensify uses an existing reservoir sites.

Steve Kawa Deputy Chief of Staff Office of the Mayor July 3, 2002

The Mayor's Office response remains unchanged to this recommendation. No new evidence or information has been presented to indicate that recreational activity on reservoir roofs should cease.

Patricia E. Martel General Manager Public Utilities Commission July 22, 2002

The SFPUC concurs with the CGJ that maintaining the highest possible water quality should be our first and foremost goal. However, the existing recreational facilities are very valuable community resources. These recreational facilities have been operated by the City's Recreation and Parks Department (RPD) for decades and would represent a significant loss to City-run recreation programs and similar programs run by the San Francisco Unified School District. The RPD maintains these facilities. The SFPUC will continue to work with the RPD and community groups to protect the water supply and still provide recreation activities at selected facilities. The SFPUC and the Department of the Environment have conducted a series of public meetings and are currently preparing a sustainable Energy Plan for

the City. The final plan will likely include recommendations for solar energy production facilities. The SFPUC would investigate the feasibility and cost-effectiveness of such installations on the roofs of reservoirs.

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APPENDIX

MEMBERS OF THE 2000-2001 SAN FRANCISCO CIVIL GRAND JURY

Alan Nicholson, Foreman

Diane Compagno Miller, Secretary

Cory Casassa

John Everett

Don Figone

Marvin Gans

Harris Goodman

Gloria Hartman

Robert Karp

Theresa Koenig

Diane F. Leon

Clint Mitchell

Jack Mona

Stephen J. Perry

Robert R. Planthold

Nancy Thompson

Eric J. Weiss

Thomas W. Zickgraf

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cc:

Mayor Board of Supervisors Civil Grand Jury Budget Analyst Public Library KPMG LLP







